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ABSTRACT

The transcripts, prepared statements, letters, supplemental materials, et Transcripts, prepared statements, letters, supplemental materials presented at a congressional hearing on the reauthorization of the discretionary programs of the Eduation of the Handicapped Act comprise this document. Materials include comments from representatives of the Association for Children and Adults with Learning Disabilities, the National Federation for the Blind, Educational Audiology Programs, the American Indian Rehabilitation Research and Training Center, the National Center for Law and the Deaf at Gallaudet University, National Longitudinal Transition Study, and other concerned groups and individuals. (PB)

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HEARING ON EHA DISCRETIONARY PROGRAMS REAUTHORIZATION

HEARING

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, MARCH 7, 1989

Serial No. 101-3

Printed for the use of the Committee on Education and Labor

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HEARING ON EHA DISCRETIONARY PROGRAMS REAUTHORIZATION

TUESDAY, MARCH 7, 1989

House of Representatives,
Subcommittee on Select Education,
Committee on Education and Labor,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:45 a.m., in Room 2257 Rayburn House Office Building, the Honorable Major R. Owens [chairman] presiding.

Members present: Representatives Owens, Martinez, Jontz, Bartlett, and Ballenger.

Staff present: Maria Cuprill, Patricia Laird, Wanser Green and Richard Horne.

Mr. Owens. Will all those here please be seated. I understand there's been some difficulty in traveling this morning, but all of our witnesses are here.

The hearing on the Subcommittee on Select Education will please come to order. Today we are here to discuss the EHA Discretionary Programs Reauthorization.

Before we begin to specifically discuss the reauthorization of the Discretionary Programs under the Education of the Handicapped Act, we would like to note that last week marked the first anniversary of the Gallaudet demonstration propelling a series of events leading to the first deaf president. It represents a beginning of a movement that I hope will end in the passage of the Americans with Disabilities Act. But this will only happen with continued vigilance and participation by all people with disabilities.

The Gallaudet demonstration brought public attention to the fact that people with disabilities should not be considered handicapped but capable individuals. I understand their objection to this term "handicapped." And in the spirit of Gallaudet, it is my intention to change the title of the Education of the Handicapped Act to read "Individuals with Disabilities Education Act."

Although the focus of this hearing is only on the reauthorization of the Discretionary Programs of the EHA, Parts C through G, how these programs have facilitated the free and appropriate education of children and youth with disabilities is also important.

For the past eight months the subcommittee has received over 300 letters regarding the provision of a free and appropriate public education for children with disabilities. The purpose of the second panel is to provide the subcommittee with oversight information on

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how children with disabilities are receiving a free and appropriate education.

Over the next few months this subcommittee will be developing legislation to reauthorize the Discretionary Programs under the Education of the Handicapped Act. Just as Public Law 94-142 recognized the right of every individual with a disability to an equal educational opportunity, the Discretionary Programs were created to support and improve the provision of education and related services to children with disabilities central to these programs or research, technical assistance, information dissemination, personnel training and model demonstration projects and activities. The Office of Special Education Programs has funded over 2,000 grants, contracts, and cooperative agreements. Approximately $170 million is appropriated for Discretionary Programs. In spite of the number of grants awarded, the Office of Special Education Programs does not have a comprehensive evaluation component for the discretionary programs, some of which have been in existence for a long time. Therefore, OSERS is not capable of assessing what works. If we cannot determine what works, how then can we clearly continue or establish new priorities?

We are all witnesses to the educational crises confronting this nation. In 1983 this country was stung by the report "A Nation at Risk," which graphically described a failing educational system. More recently, the Joint Economic Committee reinforced this bleak assessment of our nation's schools in its report entitled "The Education Deficit." Today, one in five children lives in poverty; one in two live with a single parent before reaching age 18. By the year 2000, nearly 40 percent of our students will be minorities. Or, add to this number the statistics on dropouts, which suggests that large numbers of youths, particularly minority youths, are not being educated to succeed in the future workforce. In its Tenth Annual Report to Congress, the Department of Education's Office of Special Education Programs Data showed that for the 1985-86 school year 56,156 disabled students are—I repeat, 56,156 disabled students age 16 to 21 dropped out of high school, at an average of 312 students a day. This number represents about 26 percent of the total existing population of disabled students. The major consequences for disabled students dropping out of school include poor employment potential, decreased opportunities for further education and training, and lower earnings for those who finally find employment.

The report by the Robert Wood Johnson Foundation entitled "Serving Handicapped Children: A Special Report," clearly indicates that the special education system has not escaped the failings of our general education system. Minority groups account for over one-third of the special education students; more than one-third of the special education children are poor; and more than one-third of their mothers have not completed high school. Among the children with special needs, only 29 percent were diagnosed before age five. It is distressing to find that many parents do not attend yearly IEP conferences, nor do they become involved in the educational planning process. It is this group of "at-risk" students—burdened with serious disadvantages that can further impede their progress—who will turn up in our special education system.

The Discretionary Programs have three important goals: First, supporting and improving the direct services provided under the EHA through the state and local educational agencies. Second, identifying and solving persistent problems of providing services. And, third, assisting individuals with disabilities to make the transition to post-secondary education, vocational training, and competitive and supportive employment. The findings and data indicate that we are failing to meet the needs of all of our disabled children and youth. If we are truly committed to educating children with special needs, we must then find answers to the following:

How will regular and special education teachers, local school districts, and state education agencies deal with the growing number of culturally and linguistically diverse minority students who will have special educational needs? How can we best link the research field with practitioners, school districts, and parents? What are we doing to insure the participation of minorities, teachers, local administrators and parents in the development and determination of research priorities. With personnel shortages and shifting student demographics, what is being done to recruit and maintain minorities in special education? Are our existing parent information and training centers reaching out and involving minority parents? How can we use the resources and expertise of the clearinghouses funded under these programs to improve the dissemination of information?

These are a few of the key questions we will attempt to answer. I look forward to the testimony of our witnesses today.

[The prepared statement of Hon. Major R. Owens follows:]

OPENING STATEMENT

MARCH 7, 1989

EHA-DISCRETIONARY PROGRAMS REAUTHORIZATION HEARING

BEFORE WE BEGIN TO SPECIFICALLY DISCUSS THE REAUTHORIZATION OF THE DISCRETIONARY PROGRAMS UNDER THE EDUCATION OF THE HANDICAPPED ACT, WE WOULD LIKE TO NOTE THE FACT THAT LAST WEEK MARKED THE FIRST ANNIVERSARY OF THE GALLAUDET DEMONSTRATION PROPELLING A SERIES OF EVENTS LEADING TO THE FIRST DEAF PRESIDENT. IT REPRESENTS A BEGINNING OF A MOVEMENT THAT I HOPE WILL END IN THE PASSAGE OF THE AMERICANS WITH DISABILITIES ACT. BUT THIS WILL ONLY HAPPEN WITH CONTINUED VIGILANCE AND PARTICIPATION BY ALL PEOPLE WITH DISABILITIES.

THE GALLAUDET DEMONSTRATION BROUGHT PUBLIC ATTENTION TO THE FACT THAT PEOPLE WITH DISABILITIES SHOULD NOT BE CONSIDERED HANDICAPPED BUT CAPABLE INDIVIDUALS. I UNDERSTAND THEIR OBJECTION TO THE TERM "HANDICAPPED," AND IN THE SPIRIT OF GALLAUDET, IT IS MY INTENTION TO CHANGE THE TITLE OF THE EDUCATION OF THE HANDICAPPED ACT TO READ "INDIVIDUALS WITH DISABILITIES EDUCATION ACT" (IDEA).

ALTHOUGH THE FOCUS OF THIS HEARINGS IS ONLY ON THE REAUTHORIZATION OF THE DISCRETIONARY PROGRAMS OF EHA, PARTS C THROUGH G, HOW THESE PROGRAMS HAVE FACILITATED THE FREE AND APPROPRIATE EDUCATION OF CHILDREN AND YOUTH WITH DISABILITIES IS ALSO IMPORTANT.

IN THE PAST EIGHT MONTHS, THE SUBCOMMITTEE HAS RECEIVED OVER 300 LETTERS REGARDING THE PROVISION OF A FREE AND APPROPRIATE PUBLIC EDUCATION FOR CHILDREN WITH DISABILITIES. THE PURPOSE OF THE SECOND PANEL IS TO PROVIDE THE SUBCOMMITTEE WITH OVERSIGHT INFORMATION ON HOW CHILDREN WITH DISABILITIES IS RECEIVING A FREE AND APPROPRIATE EDUCATION.

OVER THE NEXT FEW MONTHS THIS SUBCOMMITTEE WILL BE DEVELOPING LEGISLATION TO REAUTHORIZE THE DISCRETIONARY PROGRAMS UNDER THE EDUCATION OF THE HANDICAPPED ACT. JUST AS P.L. 94-142 RECOGNIZED THE RIGHT OF EVERY INDIVIDUAL WITH A DISABILITY TO AN EQUAL EDUCATIONAL OPPORTUNITY, THE DISCRETIONARY PROGRAMS WERE CREATED TO SUPPORT AND IMPROVE THE PROVISION OF EDUCATIONAL AND RELATED SERVICES TO CHILDREN WITH DISABILITIES CENTRAL TO THESE PROGRAMS ARE RESEARCH, TECHNICAL ASSISTANCE, INFORMATION DISSEMINATION, PERSONNEL TRAINING, AND MODEL DEMONSTRATION PROJECTS AND ACTIVITIES. THE OFFICE OF SPECIAL EDUCATION PROGRAMS HAS FUNDED OVER 2,000 GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS. APPROXIMATELY $170 MILLION IS APPROPRIATED FOR THE DISCRETIONARY PROGRAMS. IN SPITE OF THE NUMBER OF GRANTS AWARDED, THE OFFICE OF SPECIAL EDUCATION PROGRAMS DOES NOT HAVE A COMPREHENSIVE EVALUATION COMPONENT FOR THE DISCRETIONARY PROGRAMS. THEREFORE, OSERS IS NOT CAPABLE OF ASSESSING WHAT WORKS. IF WE CAN NOT DETERMINE WHAT WORKS, HOW THEN, CAN WE CLEARLY CONTINUE OR ESTABLISH NEW PRIORITIES?

WE ARE ALL WITNESSES TO THE EDUCATIONAL CRISIS CONFRONTING THIS NATION. IN 1983, THIS COUNTRY WAS STUNNED BY THE REPORT, A NATION AT RISK, WHICH GRAPHICALLY DESCRIBED A FAILING EDUCATIONAL SYSTEM. MORE RECENTLY, THE JOINT ECONOMIC COMMITTEE REINFORCED THIS BLEAK ASSESSMENT OF OUR NATION'S SCHOOLS IN ITS REPORT, THE EDUCATION DEFICIT. TODAY, ONE IN FIVE CHILDREN LIVES IN POVERTY. ONE IN TWO WILL LIVE WITH A SINGLE PARENT BEFORE REACHING AGE 18. BY THE YEAR 2000, NEARLY 40% OF OUR STUDENTS WILL BE MINORITES. ADD TO THIS NUMBER THE STATISTICS ON DROPOUTS WHICH SUGGEST THAT LARGE NUMBERS OF YOUTH--PARTICULARLY MINORITY YOUTH--ARE NOT BEING EDUCATED TO SUCCEED IN THE FUTURE WORK FORCE. IN ITS 10TH ANNUAL REPORT TO CONGRESS, THE DEPARTMENT OF EDUCATION'S OFFICE OF SPECIAL EDUCATION PROGRAMS DATA SHOWED THAT FOR THE 1985-86 SCHOOL YEAR, 56,156 DISABLED STUDENTS AGED 16-21 DROPPED OUT OF HIGH SCHOOL AT AN AVERAGE OF 312 STUDENTS A DAY. THIS NUMBER REPRESENTS ABOUT 26% OF THE TOTAL EXISTING POPULATION OF DISABLED STUDENTS. THE MAJOR CONSEQUENCES FOR DISABLED STUDENTS DROPPING OUT OF SCHOOL INCLUDE POOR EMPLOYMENT POTENTIAL, DECREASED OPPORTUNITIES FOR FURTHER EDUCATION AND TRAINING, AND LOWER EARNINGS FOR THOSE WHO FINALLY FIND EMPLOYMENT.

THE REPORT BY THE ROBERT WOOD JOHNSON FOUNDATION, SERVING HANDICAPPED CHILDREN: A SPECIAL REPORT, CLEARLY INDICATES THAT THE SPECIAL EDUCATION SYSTEM HAS NOT ESCAPED THE FAILINGS OF OUR GENERAL EDUCATION SYSTEM. MINORITY GROUPS ACCOUNT FOR OVER ONE-THIRD OF THE SPECIAL EDUCATION STUDENTS; MORE THAN ONE-THIRD OF THE SPECIAL EDUCATION CHILDREN ARE POOR; AND MORE THAN

ONE-THIRD OF THEIR MOTHERS HAVE NOT COMPLETED HIGH SCHOOL. AMONG THE CHILDREN WITH SPECIAL NEEDS, ONLY 29% WERE DIAGNOSED BEFORE AGE FIVE. IT IS DISTRESSING TO FIND THAT MANY PARENTS DO NOT ATTEND YEARLY IEP CONFERENCES NOR DO THEY BECOME INVOLVED IN THE EDUCATIONAL PLANNING PROCESS. IT IS THIS GROUP OF "AT-RISK" STUDENTS--BURDENED WITH SERIOUS DISADVANTAGES THAT CAN FURTHER IMPEDE THEIR PROGRESS--WHO WILL TURN UP IN OUR SPECIAL EDUCATION SYSTEM.

THE DISCRETIONARY PROGRAMS HAVE THREE IMPORTANT GOALS: FIRST, SUPPORTING AND IMPROVING THE DIRECT SERVICES PROVIDED UNDER EHA THROUGH THE STATE AND LOCAL EDUCATIONAL AGENCIES; SECOND, IDENTIFYING AND SOLVING PERSISTENT PROBLEMS IN PROVIDING SERVICES; AND THIRD, ASSISTING INDIVIDUALS WITH DISABILITIES TO MAKE THE TRANSITION TO POSTSECONDARY EDUCATION, VOCATIONAL TRAINING, AND COMPETITIVE AND SUPPORTED EMPLOYMENT. THE FINDINGS AND DATA INDICATE THAT WE ARE FAILING TO MEET THE NEEDS OF ALL OF OUR DISABLED CHILDREN AND YOUTH. IF WE ARE TRULY COMMITTED TO EDUCATING CHILDREN WITH SPECIAL NEEDS WE MUST THEN FIND ANSWERS TO THE FOLLOWING: HOW WILL REGULAR AND SPECIAL EDUCATION TEACHERS, LOCAL SCHOOL DISTRICTS, AND STATE EDUCATION AGENCIES DEAL WITH THE GROWING NUMBER OF CULTURALLY AND LINGUISTICALLY DIVERSE MINORITY STUDENTS WHO WILL HAVE SPECIAL EDUCATIONAL NEEDS? HOW CAN WE BEST LINK THE RESEARCH FIELD WITH PRACTITIONERS, SCHOOL DISTRICTS, AND PARENTS? WHAT ARE WE DOING TO

ENSURE THE PARTICIPATION OF MINORITIES, TEACHERS, LOCAL ADMINISTRATORS, AND PARENTS IN THE DEVELOPMENT AND DETERMINATION OF RESEARCH PRIORITIES? WITH PERSONNEL SHORTAGES AND SHIFTING STUDENT DEMOGRAPHICS, WHAT IS BEING DONE TO RECRUIT AND MAINTAIN MINORITIES IN SPECIAL EDUCATION? HOW ARE EXISTING PARENT INFORMATION AND TRAINING CENTERS REACHING OUT AND INVOLVING MINORITY PARENTS? HOW CAN WE USE THE RESOURCES AND EXPERTISE OF THE CLEARINGHOUSES FUNDED UNDER THESE PROGRAMS TO IMPROVE THE DISSEMINATION OF INFORMATION?

Mr. OWENS. Mr. BARTLETT.

Mr. BARTLETT. Thank you, Mr. Chairman. Mr. Chairman, I do welcome the opportunity to participate in this reauthorization and I'm looking forward to hearing from the witnesses today as we begin the reauthorization process.

As I understand, the subcommittee will be having at least three hearings, and this is the first of those hearings. This one is devoted to the needs of culturally and ethnically diverse children with handicaps and their families. It also gives individuals with disabilities an opportunity to comment on their own educational experience, and that's the focus of this subcommittee's reauthorization.

Now, the focus of this reauthorization process, which is the Discretionary Programs under the Education of the Handicapped Act, have had a long and a positive history. The information that these and other witnesses will offer us during this reauthorization will help us to strengthen and to improve these programs so that they will continue to be a toll and a catalyst for providing access to and expanding opportunities, and in increasing the quality of the education offered to children with handicaps.

This subcommittee believes in 94-142 in both the Discretionary Programs and in the Grant Programs. But this subcommittee also believes that if it were so simple as merely to reauthorize with no changes every year of the reauthorization, well, then it wouldn't require the subcommittee to do it, the Discretionary Grants could have just simply be permanently authorized in the process. So, thus, I concur with Chairman Owens that it's our goal to seek improvements that can be made in EHA as we go along.

I do urge witnesses to give us information that is tied to outcomes. That is, what outcomes are desirable for children with handicaps, how do we achieve those outcomes, and what roles should Discretionary Programs play in the process. The information is critical to the reauthorization, it's critical to the special children, and it's critical to society at large as we approach the 21st Century.

Now, it also occurs to me, as I look at the witness list and have worked to help develop the hearing, that today we will be considering several issues related to 94-142 itself. That is to say, the basic Grant Program, and specifically considering some of the Least Restrictive Environment issues. Those issues cut across all Discretionary Programs and they permeate all aspects of the educational experiences of children with handicaps, where it is best for them to do their learning and with whom.

I want to make several observations about the process. The process itself of this reauthorization is technically only a reauthorization of the Discretionary Grants. But as we go through the discretionary reauthorization, I think that it's fair that the Committee also hear testimony and consider the application of the Least Restrictive Environment process itself, not necessarily to result in legislation but, but perhaps—but at least to result in a better understanding of the basic grant program that we have now and the implementation of Least Restrictive Environment.

In that context, I want to say up front at the beginning of these three hearings, that I, as do all of you, assume the good will of all sides and all witnesses, both those that will be here today and those that express their opinions throughout the country. There will no doubt be differences of opinion expressed at this hearing and at subsequent hearings. And that's as it should be because, indeed, there are differences of opinion in the educational community throughout the country.

So, a couple of observations on how we approach the LRE process and that portion of the hearing.

First, it's important to remember that we're all fully committed to children with handicaps, to those children learning with their peers, playing with their peers, helping their peers, and being helped by their peers. These essential ingredients are essential in the learning environment.

Second, I think that we all acknowledge that a learning environment not only involves access and opportunities but also involves choices. Choices to interact and to communicate at will, not at someone else's convenience. Choices in how to absorb what is being taught in ways that are appropriate for a specific child. And choices that reflect an understanding of preferences as well as needs.

Mainstreaming, and the Least Restrictive Environment terms are important—critical indeed—concepts. But there's not always consensus on what they mean, how they should be applied, or how they should be judged. Those choices—for younger students in particular—often are choices that need to be made primarily by the parents, with the good of the students in mind specifically. Perhaps at this committee we should try some new terms, terms of choices and opportunities that promote inclusion, inclusion that is meaningful and that has as its focus outcomes to facilitate learning and to insure that child's success.

Each child is unique and each learning environment is unique. It is time, it seems to me, that we drop the tendency to view placements in general terms and to assign arbitrary values to each placement. Instead, I think we should direct our attention to each individual child and to each placement available and make each the best that it can be. The Discretionary Grant Programs can be directed to help us achieve that end.

Mr. Chairman, I thank you for the time and yield back to the bench.

Mr. OWENS. I yield to Mr. Smith for an opening statement.

Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman. I'm most interested in this because one of the largest schools for the deaf in North Carolina—North Carolina School for the Deaf—is in my district. I have been working with them for years and I want to learn as much as I can. But I would like to apologize ahead of time. I also have a committee meeting on the Eastern Airlines strike that takes place at 10:00. And so I will miss the early part of this meeting, but I will try to be back later if I may.

Mr. BARTLETT. Will the gentleman yield?

Mr. BALLENGER. Yes, sir.

Mr. BARTLETT. I would just comment that we do want you to come back and stay as long as you can, but no one involved in this hearing is either on strike or will be on strike so we understand your urgency.

Mr. OWENS. Our first panel consists of Dr. Mary Wagner, Director of the National Longitudinal Transition Study; Ms. Rosalyn Simon, Educational Consultant on Minority Issues, Baltimore, Maryland; Dr. Marilyn Johnson, the Director of Indian Rehabilitation Research and Training Center; and Patricia Mann, student at George Washington University. Would you please take seats.

I'd like to remind the witnesses that we do have copies of your written testimony. You may hear a little bell go off after five minutes. Please feel free to take additional time to wrap up your testimony, but we would like you to confine your statements to between five or seven minutes. And you can elaborate during the question and answer period on any other point that you might want to.

We'll begin with Dr. Wagner.

STATEMENTS OF MARY WAGNER, DIRECTOR, NATIONAL LONGITUDINAL TRANSITION STUDY; ROSALYN SIMON, EDUCATIONAL CONSULTANT ON MINORITY ISSUES; MARILYN JOHNSON, DIRECTOR, INDIAN REHABILITATION RESEARCH AND TRAINING CENTER; AND PATRICIA MANN, STUDENT, GEORGE WASHINGTON UNIVERSITY

Ms. WAGNER. Thank you. I'm glad to have made it through the snow and slush and sleet and rain and the airline situation to get here from California today.

I'm from the Stanford Research Institute, SRI, and I am currently directing the National Longitudinal Transition Study, which is a Congressionally-mandated study. We've spent two years in the design of that study. We're in the second year of the five-year duration of that study. And we're looking at what happens to special education students in secondary school and how they do when they leave secondary school. That's our mission; that was the Congressional mandate.

I'm going to use that study as an example to address the issue you raised of how can we tell when discretionary—we have no evaluation of discretionary programs, how can we tell when research is worth the investment, research and special studies funded under Section 618.

One of the ways we can tell whether that investment and research is paying off is, is it spinning off? Is it somehow feeding into the special education community in a positive way? I think the National Transition Study is an excellent example of how research can do that.

We have three products, at least, that have spun off from our study to assist other researchers and other practitioners in serving special education students. The three are the capabilities that we have developed to actually do research in this field. There was not a lot of research being done on the transition issues when we began. People didn't know how to do it very effectively and we've helped with that. The second product are the findings that we're producing, the answers to the questions that you as Congressmen have asked us to answer. And the third is the database that we're producing, which is a gold mine of information on what's happening to kids in transition.

I'd like to elaborate on each of those a little bit and show how they're being fed out to the field to benefit other people who are in this field as well so that the federal investment is spinning off.

As far as the capabilities go, one of the chief capabilities that we've developed is the sample of students themselves. We're following more than 8,000 special education students nationwide for more than five years in the course of this study. That sample of students is generalizable, nationally representative of secondary special education students in transition. But not just as a whole. it was selected so that we can tell nationally what's happening to each of the federal 11 disability categories.

If hearing impaired students are a concern, we can tell you how they're doing in a national sense. That's never been possible before. We have questionnaires that took more than a year to develop that are being used by states and local districts all over the country to follow their transitioning students. Those questionnaires were never available before. They've been tested with hundreds of kids, used for thousands of parent interviews by our study. They're reliable instruments and will allow local and state researchers to compare their data to the national context. So, we've become a yardstick in a sense for how different local agencies and state agencies are doing in serving special education students.

Beyond our capabilities, though, one of the important things we're producing of course is the answers to the questions we were sent out to find. How are special education students doing? We're making that information available throughout the course of the study. We're not waiting until the end of the end of the five-year study to give you the answer. We're feeding back information all along.

Last year we presented six papers at national conferences. This year there are four more. I was the invited speaker at the Council for Exceptional Children, Division of Research meetings come April, following Tom Bellamy who spoke there last year. I think that shows the interest the field has in issues of transition and we've got some interesting information to share.

I was invited to speak at the Transition Institute meeting of 100 transition project directors and when I started presenting what we were finding, there were gasps in the audience to learn about how bad it is. Your statement said 26 percent of kids drop out. We're finding parents reporting 36 percent of kids dropping out. There are 10 or 15 percent of kids that schools say they don't know where they go, and the parents are saying where those kids go is out of school. That's not good news. And I think having a national study that can tell the field where they stand is a real important investment and a good use of federal resources.

We're also producing flyers, 2-page pieces of information that can be readily used by people with lots of different interests.

A final report on this project would be ludicrous. It would more than cover this table with the stats of printout and information. So, we're trying to package information in pieces that people can use, and get it out as soon as we're sure it's reliable information.

We are also reporting our information, of course, in the Annual Report to Congress, which was part of the point. This year will be the first year of the next several years where we will have information featured in whole chapters of that report.

But I hope you'll see that it's only one channel of the information that we're producing, one channel of communicating that information. This project is an interactive ongoing exchange of information. We're inviting people from the field all the time to tell us what are their interests, what are their issues, what do they want us to be looking at. And then we're trying to produce that information in a form that they can use. So, it's an ongoing interaction between research and the field. And I think that's the way federally-funded research best serves the needs of the field.

Our final product that is of particular interest is the database itself. As I said, it's a gold mine. We will never be able to explore all the questions that the database can answer. And we're making it available in the public domain very soon for other people to take it and use it. It's almost like a living thing. You can walk up to it and ask it a question and it can provide you with an answer. And we can't provide all those answers, but other people can. The data will be available. It is a federal service to have made that possible through the discretionary programs.

One of the things that I think would improve the way the law is written to allow that kind of research is for the wording, the language of the law, in Section 618 to reflect that interchange. The way the law is written now, it's Congress mandates a study, the money goes out there, it gets done, and the answer gets reported back to Congress. And I think what the Transition Study exemplifies is the broader use of that kind of information. That the field could generate issues to be studied, and it is the field that will be using the answers to those questions, not simply the Congress mandating special studies and making use of the information that feeds back.

So, if the language were to allow a little more of that interchange—right now the Office of Special Education Programs kind of struggles to make that happen. The interchange only happens if there is a budget for it and an intent for it to happen. Our project was designed in such a way that the budget is there for dissemination, the budget is there for independent perspectives, for inviting other people to come to our project, use our data, bring their perspective to it. Most projects aren't that way, it's not in the law for them to be that way, that the special studies branch has to struggle to make that happen and to allow the money and the research—the contracts to reflect that kind of intent. And I think the language of the law could support them better in that regard.

I could talk about this project for hours. I will, I think, stop short of my five minutes to allow questions rather than to talk about the project. I don't know what you're interested in knowing about it, so I'll let you ask the questions.

[The prepared statement of Mary Wagner follows:]

Statement by Dr. Mary Wagner, SRI International
To the House Committee on Education and Labor
Subcommittee on Select Education
March 7, 1989

I am Dr. Mary Wagner, from SRI International, formerly Stanford Research Institute. I am currently director of the National Longitudinal Transition Study of Special Education Students, which was mandated by Congress in 1983 and is being carried out by SRI under contract for the Office of Special Education Programs (OSEP) in the Department of Education.

I am pleased to be asked to speak about the discretionary programs under EHA, particularly Section 618 of Part B, which is administered in the Special Studies Branch of OSEP. SRI has a long history with this program:

- In 1977, we conducted a project on the states' handicapped child count.
- In the late 1970's and early 80's, we carried out an implementation study of PL 94-142 in school districts across the nation as they tried to come into compliance with the provisions of the new federal and state laws.
- Since 1984, we have been involved with the design and conduct of the National Longitudinal Transition Study of Special Education Students which I will describe today.

In this period of time, we have seen the program under Section 618 evolve and, through information gathering and sharing, contribute to advancing the purposes of the Act. The research questions have changed and the audiences for the answers have expanded. As procedural requirements of the new federal and state laws became the routine in special education, the research questions have changed, from a focus on procedural compliance and implementation to a focus on effective practices and the delivery of appropriate educational services. The audiences have expanded; findings have been of interest not only to Congress, but also to state and local administrators and others involved in carrying out programs under EHA. The findings and methods have had an impact on the infrastructure of special education service delivery in the United States and on the capacity of individuals in the field of special education to learn from research and evaluation.

The National Longitudinal Transition Study (NLTS) is an outstanding example of how studies funded under Section 618 contributes to improving the policies and practices of special education. This project represents a significant investment in special studies. This investment embodies the Congressional mandate to provide information on what happens to special education students in secondary school and in their transition to the adult worlds of work, postsecondary education, and independent living. Two years have been spent in the design of the study, and five years will be spent in data collection, analysis, and reporting. The study involves more than 8,000 young people, ages 15 to 24. Data have been gathered from telephone interviews with their parents, a survey of educators in their schools, and from their school records. Similar data will be collected again in 1990.

The investment in the NLTS has three major products which serve to support and enhance special education under EHA. These products are: a set of capabilities not previously developed in the field, findings from the study on issues not previously addressed nationally, and the database itself. I will describe each briefly and give a few examples of how these products from the National Longitudinal Transition Study (NLTS) are being made accessible to and are being used by the special education policy, practitioner, and research communities.

Capabilities

The NLTS has been the vehicle through which we have developed new capabilities--the tools, skills, and resources of research on the transition of special education students. Examples of such resources and their uses include:

- The sample of students. For the first time, the field of special education has a sample of students that is nationally generalizable, not only to secondary special education students and exiters as a whole, but to each of the 11 federal disability categories. This sample could be used for purposes other than the NLTS . Other questions could be asked of the sample by other researchers, and it could be maintained as a resource after the current NLTS contract is completed.

- A tracking system. One of the major challenges of longitudinal studies is tracking the students through the life of the project so that the sample is maintained. SRI has developed a tracking system that is so effective that fewer than 1% of sample members are being lost each year. This success has caused one state transition researcher we know to dub SRI "the largest detective agency in the country." Once we have a student, we stick with her. Our tracking procedures are being shared with others. For example, in November, I was invited by OSEP to give a seminar on research procedures at the technical assistance conference they sponsor annually for state grantees. There, I outlined our tracking procedures and other sampling approaches for more than 25 state grantees so that their states' programs could benefit from our experience.

- Data collection instruments. Perhaps the best example of tools we have developed that are being shared with others in the field are the questionnaires and other data collection instruments we are using in the NLTS. More than a year was spent in their development; they were tested with hundreds of parents and teachers in six states. That investment is paying off widely; other transition studies do not have to reinvent ways of gathering data about youths' transition experiences. We have had dozens of requests for the questionnaires, which are being used in several states and local school districts.

The NLTS can be a yardstick against which individual states or school districts can compare their situation, if their data are comparable--shared instruments are the key to that comparability.

These examples illustrate how the investment in the NLTS, under section 618 of Part B, is paying off by strengthening the technical quality of special education studies.

Findings

A second product that is benefitting the special education field is the findings of the NLTS. We are addressing questions such as the following:

- What programs, settings, and services are being provided to special education students in secondary school?
- What factors explain why youth with similar disabilities are provided quite different programs, placements, and services?
- What are the experiences of special education students in the areas of employment, education, and independent living after they leave secondary school?
- What school programs or experiences help special education students achieve in school and stay in school until they graduate? What can schools do to help students make more effective transitions to employment, postsecondary education, and independence when they leave school?

The answers to such questions are of broad interest to special education policymakers, practitioners, and researchers and we are not waiting until the end of the 5-year study to begin sharing those answers. In addition to requiring that our findings be part of the annual report to Congress on EHA, OSEP built into the NLTS a dissemination task and budget to ensure that its findings are made widely known to these audiences. Thus, we are engaged in an ongoing, interactive process through which findings are shared through appropriate channels as they become available. Examples of these communications channels include:

- Flyers/news releases. The NLTS addresses so many issues that few audiences would find a comprehensive reporting of findings interesting or helpful. Instead, we will be packaging our findings in 2-page flyers, each of which will address a specific finding, issue, or disability category. These flyers will be disseminated through existing networks of practitioners, parents, and others in the special education field.
- Papers. More indepth treatments of specific topics are available in professional papers and articles. In the first year of the NLTS, we delivered six papers at the meetings of the Council for Exceptional Children and the American Education Research Association. This year, four additional papers will be given. I am also the invited speaker

this year for the CEC Division of Research meeting. Last year, Tom Bellamy was the speaker; that I have been asked to follow in his footsteps demonstrates the importance others in the field place on NLTS findings. My presentation will address the links between school achievement and success after high school. It will demonstrate that failing in school puts students on a road toward poor transition outcomes. Several factors are related to the propensity to fail courses in school. For example, we have found that, controlling for many characteristics of the youth and their disabilities, students who are in regular education classes are more likely to fail one or more courses in school than are students with the same disabilities who are in special education. Having failed courses, students are then significantly more likely to drop out of school and to do less well in their transition experiences after high school. These findings are of considerable interest to parents, practitioners, policymakers, and advocacy groups.

- Project reports. Six special topic reports will be written in the next year and made available to the field through the ERIC document distribution process. These are opportunities to report NLTS findings and to synthesize findings from the NLTS and other studies. For example, we have found beneficial effects of vocational education; vocational students have a lower likelihood of failing in school and dropping out of school and a higher likelihood of becoming engaged in productive activity when they leave school. The National Transcript Study, funded in part under the National Assessment of Vocational Education (NAVE), also has interesting data related to vocational education for special needs students. A special topic report would be an opportunity to tie these studies together in a more comprehensive look at vocational education for secondary special education students.

- Appearances. Senior members of my project staff and I are available to give presentations to interested audiences. For example, in December, I was invited to give a keynote presentation to the annual meeting, sponsored by the Transition Institute, of more than 100 directors of transition service projects funded under EHA. I have never spoken to an audience that gave audible gasps as I presented findings. They learned that more than 36% of special education students drop out before graduating, fewer than half find paid jobs after leaving school. In fact, fewer than 70% of youth who have been out of school more than a year had done any productive activity in the past year. They had known that the youth in their projects were having a hard time; with our findings, we know that many youth nationally are having a hard time in transition. Special educators must pay attention to high school transition programs and issues now that the facts about the scope of the problem are known.

- The Annual Report to Congress. Beginning this year, the NLTS is providing findings for each Annual Report to Congress on EHA. This is an important vehicle for responding to the Congressional mandate that gave birth to the study and for keeping Congress abreast of the effects of and changes needed in special education policies. However, as I hope I have demonstrated, it is only one of many channels for communicating project findings to one of the many audiences that are eager to have them.

Database

Although the NLTS is taking a broad look at many aspects of the transition experiences of special education students, we cannot begin to address all the issues that could be analyzed using the NLTS database. That database is literally a gold mine of information--a resource that soon will be in the public domain so that other researchers can use it to address additional questions from new perspectives. The importance of bringing different perspectives to the analysis is also built directly into the NLTS contract. We have a specific task, called Independent Perspectives, through which we invite other researchers and analysts to approach NLTS data from new angles, to broaden our understanding of what the data can tell us. We will add to this rich database in the fourth year of the project when we interview youth or their parents again about transition experiences. Further waves of data collection could be commissioned in the future.

In summary, the National Longitudinal Transition Study is an example of OSEP's explicit intent that studies supported under section 618 of EHA be widely accessible to and used by others in the special education policy, practitioner, and research communities. Ensuring that research is outward-directed takes an explicit intent and a budget. Within the NLTS, sharing our capabilities, findings, and database is becoming a high priority at this stage in the project. The study's design, its questions, its methods, and its findings are now paying off, through interactions with federal, state, and local administrators, other programs funded under EHA, and practitioners in the field.

Experience with the NLTS and our earlier studies of EHA has made me an advocate for reauthorizing the discretionary program under Section 618 and for recognizing in the language of the law the uses of information for improving the effectiveness of EHA. I recommend recognizing in the language of the law an intent that there be an exchange of information, a collecting from and feeding back of information to states, school districts, education professionals, and advocates for children and youth with disabilities, not just a reporting to Congress. This information exchange is an appropriate federal role and an efficient use of federal dollars. As the discretionary program under EHA is authorized now, it does not acknowledge the need for and uses of evaluative data to improve administration of the Act by federal agencies and by state and local education agencies. It does not acknowledge the usefulness of information about practices and quality of services under the Act for local practitioners, parents, and other advocates. I hope that, having learned how the National Longitudinal Transition Study is affecting people in the field of special education, you will be encouraged to consider broadening the purpose of Section 618 when EHA is reauthorized.

Mr. **Owens**. Well, we'll ask most of the questions during the question and answer period——

Ms. **Wagner**. Okay.

Mr. **Owens**. [continuing] for the whole panel. But there is a question that I would like to get to right away. What is the budget for your project, and how much has been spent over the life of the project?

Ms. **Wagner**. We're in the second year. The whole five-year period is expected to cost upwards of about $5 million. So, we're spending at a rate of about a million dollars a year. More in the first year because that's when the data were collected. We've interviewed more than 8,000 parents by telephone in almost half-hour interviews. We'll be doing that again in another year.

We collected information from school records. We had individual people in individual schools that we paid to abstract information from the school records of these 8,000 students. And we surveyed the administrators of those schools to know what the policies and practices were under which these students were educated.

So, it's a big undertaking and we're hanging on to those 8,000 kids for five years, and that's a big undertaking. So, it's a tremendous investment, but I've tried to show ways that——

Mr. **Owens**. You're in your second year now?

Ms. **Wagner**. We're in the second year now. That's correct.

Mr. **Owens**. Thank you.

Ms. Rosalyn Simon.

Ms. **Simon**. Mr. Chairman, I would like to thank you for providing me this opportunity to speak to you regarding the reauthorization of the Discretionary Programs under the Act.

I've been a professional in the field for over 20 years. I began as a special education teacher. I was an administrator. I ran an employment program. I have consulted in various areas of disability. And more recently, I've done some policy analysis.

Due to the limited number of minorities in the special education field, I have come over time to focus my efforts primarily on minority concerns in special ed. Despite the progress that has been attained under the Act, minority issues and special education still remain problematic. Generally there is a lack of federal, state, and local attention to the needs of minority and culturally diverse children and their families, and I'd like to highlight a few facts to substantiate this.

Minorities continue to be over represented in certain classes of special education. Primarily this is done in different levels of mental retardation and in classes for students with emotional disturbances. Minority children with disabilities are particularly affected by the fact that there still is no standard exit criteria in special education. In many instances when a child is mislabeled, that child becomes the label and stays in special education. And when this happens, the child is stigmatized in his own eyes and the eyes of society and has very little chance of ever fulfilling his potential.

Along with the over representation of minorities in special education, there is still an under representation of minorities in special education. There is data to document that there may be children who are still under served because their parents are unaware of the services available and of their rights under Public Law 94-

142. This is compounded by the fact that school systems have become reluctant to identify minorities because of the whole over representation issue in special ed.

Minority parent participation in special education is still limited. There are economic, attitudinal, cultural, and information barriers. Information on the laws and the rights of special education are not being produced in a manner that's easily comprehended by many parents with low reading levels, and in many cases it's not reaching the targeted audiences.

Personnel, professionals who are preparing to enter into the special education field, are not being trained in minority culture and linguistic diversity. As a result, many such professionals enter the workforce with very little awareness of minority culture and differences.

Also, there is a limited number of minority professionals in special education and in all of the related services. This is likely to continue for the next 15 years. Our best data tells us that minorities are not entering special education teacher training as they have been in the past, and in other areas—in administration and leadership as well. As a result, just being able to provide the need of quality personnel in special education is a major challenge.

These conditions are exacerbated by the changing demographics the country is experiencing. Minority populations are increasing. It has been projected that by the end of the century one out of every three Americans will be nonwhite. Minority students already comprise the majority in a number of the major urban school systems in our country.

Along with the changing demographics there is a concomitant rise in poverty. For example, in 1988 thirty percent of African-American families, 26 percent of Hispanic-American families, and 10 percent of the majority population lived below the poverty level. This is not the worst of it, for today in American 46 percent of African-American children under six live in poverty. In comparison, it's 40 percent for Hispanic children under six live in poverty. For children under age 18, 43 percent of African-American children live in poverty, and 40 percent of Hispanic-American children under 18 live in poverty.

Now, poor children from minority populations have a greater risk of developing disabilities early in life. Drug and alcohol abuse by pregnant women, prenatal infection, poor material nutrition, prematurity, and low birth weight are potential causes of disabilities.

For all children in America poverty is on the rise. There is an increased risk of becoming teenage parents. Children are at risk of dropping out of school. One in every five American children live in female headed households. Now, these children are four times as likely to be poor as other children. Again, learning problems, poor school performance, disabilities, and chronic illness are highly associated with poverty.

Now, the strong link between poverty and learning problems and disabilities makes the persistence of poverty a major concern for special educators.

I will stop at this point.

Mr. OWENS. You may take another two minutes if you feel——

Ms. SIMON. I heard the little bell. I'll just summarize.

Mr. OWENS. You may take another two minutes to wrap up.

Ms. SIMON. Okay. In summary, I'll say—In closing, minority children with disabilities suffer the worst discrimination of any group in America today. They often suffer from poverty, a history of family underachievement and illiteracy, color and cultural bias, and from a disabling condition.

It is imperative that Congress empower families, educate minority children appropriately, and prepare professionals to work successfully with minority families and their children and ensure that minorities are represented appropriately in all areas of special education.

[The prepared statement of Rosalyn Simon follows:]

TESTIMONY OF ROSALYN M. SIMON, M.S.
TO THE SUBCOMMITTE ON SELECT EDUCATION
MARCH 7, 1989
REAUTHORIZATION OF THE EDUCATION OF THE HANDICAPPED ACT
DISCRETIONARY PROGRAMS

Mr. Chairman: I would like to thank you for providing me with the opportunity to speak to you today regarding the reauthorization of the Discretionary Programs of the Education of the Handicapped Act.

I have been a professional in the field of special education for over 20 years. I began as a teacher; however, I have been also an administrator, consultant and policy analyst. Due to the limited number of minorities in the field, I have come over time to focus my efforts on minority concerns in special education. Minority populations include African Americans, or blacks, Hispanic Americans, Native Americans and Asian Americans. The Education of the Handicapped Act was intended to ensure that all children and youth with handicaps have access to a free and appropriate public education. After 12 years of implementation, some minority children and youth with disabilities remain under-served or inappropriately served. Furthermore, demographic trends indicate a need for a broader awareness of minority issues, and a concerted effort by policy makers to reach and include minorities in all of the education arena.

Despite the progress attained through EHA in the past 12 years, there is a pervasive lack of consistent federal, state and local attention to the unique and diverse issues confronting minority and culturally diverse children and youth with disabilities and their families. This lack of attention is caused by the political powerlessness associated with poverty, resistance to change, and insensitivity. Poverty, for both white and minorities, is a breeding ground for disabilities, underachievement, and for chronic illness. Yet, the people in poverty are not politically skilled nor organized to lobby for the things that would bring them and their children a better way of life. On the other hand, resistance to change and insensitivity on the part of many professionals, administrators, bureaucrats and policy makers are road blocks to the formulation of policy, the design of appropriately conceived programs and materials, and the successful implementation of practices which could correct or ameliorate the situation.

LACK OF ATTENTION TO MINORITY ISSUES

Lack of federal, state and local attention to the needs of minority and culturally diverse children and youth with handicaps and their families is demonstrated by the following facts:

- o Minorities are over-represented in some types of special education classes. The major area of overrepresentation is in the category of "Mental Retardation."

- Minorities are affected by the fact that special education has no exit criteria, that is, once labeled the child becomes the label. When this happens the child has no chance of getting into regular education classes. A label, especially when it is inappropriate, can be a stigma to the child, can encourage low self esteem, and will result in the child never fullfilling his potential.

- Minorities may be under-served in special education programs. These children are not receiving services because their parents are unaware of the services available and the rights guaranteed by P.L. 94-142. Compounding this problem is the fact that many school systems are now reluctant to identify minority and culturally diverse children with special needs.

- Minority parent participation in the education of their child who is disabled is limited. This is due to economic, attitudinal, cultural, and information barriers. Information on the laws and the rights of their children is not available in a manner and form appropriate to parents who are not skilled readers or who are illiterate. Nor is information formatted in ways that would attract minority parents; that is, parent participation is hindered by a general lack of awareness and sensitivity to their concerns, culture and perspectives. The end result for some parents is a reluctance to become a participant in their child's educational program.

- Minority culture and linguistic diversity are not addressed in personnel preparation training; thus, new personnel enter the workforce without an awareness of cultural diversity. As a result, many special education personnel are ill-equipped to meet the diverse cultural and linguistic needs of minority populations with disabilities.

- Minority professionals in special education are underrepresented, and this situation is likely to persist for the next fifteen years, even if action is taken NOW to intervene. Our best data tell us that minorities are not entering programs of training for teachers, for the related services, for administrators, and for leadership.

  The quality and availability of trained, sensitive and culturally aware personnel is a significant challenge to the field. Instead of relying on luck, there must be well conceived intervention.

As you prepare to reauthorize the discretionary programs under EHA, attention must be focused on minority issues in special education for the following reasons:

CHANGING DEMOGRAPHICS

- Minority populations are increasing, especially Hispanic and Asians. It is a trend that will continue for the forseeable future as the birthrate for White Americans declines. It is projected that in about fifteen years from now, one out of every three American children under 18 will be non-white.
- Minority students already comprise the majority of the students in the major urban public school systems.
- As American society grows more racially and culturally diverse, there is a concomitant rise in poverty. For instance, today in America, poverty has a more pervasive impact on minorities. In 1988, 30% of African American families, 26% of Hispanic families, and 10% of non-Hispanic families lived below the poverty level. This is not the worst of it however, for in America today, 46% of African American and 40% of Hispanic children under 6 live in poverty. For children under 18, 43% of African Americans and 40% of Hispanic Americans live in poverty.
- Poor children from minority populations have a greater risk of developing disabilities early in life. Drug and alcohol abuse by pregnant women, prenatal infection, poor maternal nutrition, prematurity, and low birth weight are potential causes of disabilities.
- For all children in America, one in five under six years of age is at risk of becoming a teen parent; one in six has no health insurance; and, one in seven is at risk of dropping out of school. One in every five American children live in female-headed households. These children are four times as likely to be poor as those living in other families. Again, learning problems, poor school performance, disabilities and chronic illness are highly associated with poverty. Almost half of all poor youths have reading and math skills that place them in the bottom fifth of the basic skills distribution, and more than three-fourths of all poor youths have below average basic skills.
- The strong link between poverty and prevalence of learning problems and disabling conditions makes the persistence of poverty among members of minority groups a significant concern for special educators. Such projections suggest an expanded population of poor minority students who begin school with poor living conditions, nutrition, health care and academic deficiencies. Unfortunately, these conditions

continue and many of these children will need, and only some will receive, appropriate education and related services. Headstart does help to ameliorate the situation; however, there are not enough Headstart facilities to meet the growing need, nor can we be sure that all who need this intervention, and are eligible, will receive it.

- The percentage of 18-to-24 year old African and Hispanic Americans completing high school increased significantly between 1976 and 1986, yet, as of 1986, the proportion of them enrolling college declined. Hispanics, for example, represent only 5 percent of the total college enrollment. Higher education must develop comprehensive programs designed to recruit and graduate a more culturally diverse student body.

Providing an appropriate public education and the necessary related services to minority students who are exceptional and from cultural or linguistically different backgrounds remains one of the most important challenges facing American society today. Current trends such as the increasing numbers of minority children in U.S. schools, the persistence of poverty in minority communities, the escalating numbers of infants born with disabilities and at risk of developing disabilities, in conjunction with the vunerability of minority children for chronic illness early in life have serious implications for special education. To meet this challenge as a country, the education community needs to develop comprehensive programs and restructure the traditional ways in which professionals work with children and youth with disabilities and their parents.

POLICY RECOMMENDATIONS

Congress must provide a direction for national policy to focus on the issue of minorities. This can be done by establishing a new program mandate targeting activities and resources to improve the outreach to families, to enhance the delivery of special education and related services to minority school-aged children with disabilities, and to recruit and graduate minority education professionals.

In order to do this, Congress must have the Office of Special Education and Rehabilatative Services adequately describe the changing special education population with unique cultural, linguistic and social needs. Congress must acknowledge the need for all colleges and universities to actively recruit minority populations and provide opportunities for them to continue their education. Congress also must adequately fund programs which provide information dissemination and referral and outreach to parents; parent training, especially minority parents; and demonstration and research projects with a minority focus.

DISCRETIONARY PROGRAMS

PART C: SECONDARY AND TRANSITIONAL SERVICES

According to the President's Committee on Employment of Persons with Disabilities, 8.2 million working-age adults with disabilities are unemployed. Unemployment is pervasive for minorities with disabilities. For example, 82% of Black Americans with disabilities are unemployed. Sixty-five percent of the 18% in the workforce earn $4,000 dollars or less. Furthermore, minorities with disabilities are underrepresented in postsecondary education. Special emphasis should be placed on postsecondary and transition programs.

PART D: TRAINING OF PERSONNEL

1. GRANTS FOR TRAINING.

Funding for institutions of higher education which attract a large minority population of students, such as Historically Black Colleges and Universities and those institutions associated with the Hispanic Association of Colleges and Universities, should be targeted in an effort to begin the necessary recruitment and training of special education and related services personnel. Programmatic efforts in all funded projects should be required to develop specific strategies which will encourage minority participation. There is also a persistent need for training of minority leadership personnel beyond that of administrators and supervisors. The lack of minority participation at the federal, state and local policy making levels should be addressed.

State Education Agencies should be provided incentives for in-service training of regular and special education and related services personnel in multicultural education. Some states and localities require this training as part of their certification and employment standards. This practice should become standard.

2. CLEARINGHOUSES

Congress should focus on empowerment. Information is the vehicle by which people gain knowledge, and thereby become self-advocates, participants and decision-makers. Although the vehicles for disseminating information and providing referral services at the national level are well established, they are presently underfunded to for the needs expressed. Information, in a manner and form appropriate to the target audience needs to be developed and disseminated to the appropriate audiences. Centralized points of dissemination and referral, toll-free access and media outreach are critical to begin the empowerment process for some, and to continue it for others. The importance of the clearinghouses must be recognized and funded appropriately.

Outreach efforts to minority populations and information dissemination to fields related to special education are an urgent need.

PART E: RESEARCH

There is an urgent need to examine how research priorities are established. The lack of attention focused on minority issues in special education, from a research agenda, precludes the development of effective strategies for meeting these emerging and unique needs.

PART H: HANDICAPPED INFANTS AND TODDLERS

Early intervention programs funded under Part H should include a focus on working with minority populations. Given the current focus on the family, these programs are a logical area for Congressional leadership. Simply establishing a preference in this area is no substitution for the needed mandate.

IN SUMMARY

Congress needs to be informed about minority representation and participation throughout all of EHA. Accurate data needs to be collected and reported by the Office of Special Education Services in their Annual Report to Congress on the numbers of minority children and youth with disabilities served in special education; special education graduates; minority personnel supply and demand; the recruitment efforts of institutions of higher education; and the general effectiveness of all outreach and dissemination activities targeted to minorities. While a comprehensive study on the condition of education for minorities in this country would add to our knowledge, the real need is for data to be collected on an ongoing basis and reported in one easily accessible document.

Congress must recognize the importance of minority representation throughout the entire spectrum of the special education structure. This recognition should start with outreach to the mothers who are having the babies and should extend to adequate minority representation on the National Council on the Handicapped. Materials, including visual and written media, which will reach and can be understood by parents with low reading skills, should be developed and disseminated at the national level to appropriate populations.

In closing, minority children with disabilities suffer the worst discrimination of any group in America today. They often suffer from poverty, a history of family underachievement and illiteracy, color and cultural bias, and from a disabling condition. It is imperative that Congress empower families, educate minority children appropriately, prepare the professions to successfully work with minority families and their children, and assure that minorities are represented appropriately in all of special education.

Mr. **Owens**. Thank you. Just so we won't lose it, in a section of your testimony you say, "For instance, today in America poverty has a more pervasive impact on minorities. In 1988 thirty percent of African-American families were in poverty." Then in the next sentence you say, "Today 46 percent are in poverty." Do you mean from 1988 to 1989 the jump was from 30 to 46?

Ms. **Simon**. No. In the '88 statistics I was talking about families. When I talked about families who were below the——

Mr. **Owens**. Children?

Ms. **Simon**. [continuing] poverty line. Then I talked about children——

Mr. **Owens**. Just children. Okay.

Ms. **Simon**. [continuing] broken down by age group.

Mr. **Owens**. Thank you.

Dr. Marilyn Johnson.

Ms. **Johnson**. Good morning, Mr. Chairman. I appreciate the opportunity to share information with you regarding American Indians with disabilities. I share this information with you from two perspectives today. That of being a professional and that of being a parent.

You have copies of a study that was conducted in 1987 on American Indians with Disabilities, and I share that with you since I do make reference to it in my comments.

The national study which was conducted by I and my colleagues at the American Indian Rehabilitation, Research and Training Center found the following figures relative to handicapping conditions among American Indians.

There were two data sources. Within the Bureau of Indiana Affairs, 16.89 percent had handicapping conditions. In the public school systems, that figure was 9.88 percent, as compared with the general population of 11.2 percent of the children being categorized with handicapping conditions.

The category that American Indian children are categorized in most frequently is learning disabilities. Ironically, the area of mental retardation is below the national average, which possibly suggests that children are not being served in those areas.

Some of the conditions that might contribute to areas such as mental retardation might be fetal alcohol syndrome which occurs in American Indian populations sometimes as great as six times greater than that occurs in the general population. Other conditions include hemophilus influenza meningitis which occurs in American Indian populations perhaps five to ten times greater than that in the general population.

In addition, hearing impairments such as otitis media, should suggest that hearing impaired children might be served at higher levels in the school system. Yet, that does not occur.

The number of American Indian children with handicapping conditions should translate readily into the needs of American—of special education teachers and related personnel that are required to meet the needs of such children. Yet, there continue to be shortages in this area.

In a study done in 1985 Dr. Jan Schnorr obtained information on the Navajo reservation alone. At that time there was a shortage at the beginning of the school year of 20 teachers. While that may not seem like a great amount to you, that covers an area about the size of West Virginia, and it is in rural and reservation communities.

One other index that I recognize provides some information is the number of calls that I get at the beginning of each academic year from the southwest, from areas such as Nebraska, South Dakota, Wyoming, Montana, asking me if I know of any special education teachers—and they need them now.

The benefits and advantages for hiring and training Indian people as special educators are identified in the testimony I've provided you, the written part. Needless to say, some of the cultural and linguistic nuances might not readily be learned by those that are from another cultural group.

Another area that I share concern with is training to parents of children with handicapping conditions. There seemed to be a great fervor of training and raising the awareness level of parents of children with handicapping conditions soon after the enactment of Public Law 94-142. That commitment seems to have waned somewhat.

In one study that was conducted in Arizona by Connery in 1987, he queried parents in a northern Arizona community, parents who were both Indian and non-Indian. Both groups had very little knowledge about the law and about the due process and procedural safeguards contained in the law. However, Indian parents had even less information than non-Indians.

Issues regarding transition from school to work I think escapes many American-Indian children with handicapping conditions. I know of one project that used to exist on the Navajo reservation. That project is no longer in existence. And yet I am aware of efforts that are trying to meet some of those aspects regarding the transition from school to employment situations. Some of those efforts exist or are occurring in New Mexico and Arizona.

Perhaps I can now share some information with you from my own efforts at insuring that my own son, who is retarded, received adequate services. The challenges that we have faced have been quite extensive. At one point I was told that I should not encourage my son to speak the native language even though he has limited language in English and in Keresan, which is our native language, and that it only served to interfere with the learning process. However, some years later as I pursued doctoral studies, I conducted a study dealing with cognition in educable bilingual and monolingual retarded children and while it was only one study and while it was only in Arizona, I found that bilingualism did not seem to interfere with the learning process.

I continued to support the idea that children, even those with handicapping conditions, are not acultural, are not alinguistic, and that they should be encouraged to participate in their cultural ways.

While it is of concern that parents would not typically be able to contribute to the knowledge base such as I have, that is of concern to me because parents do not typically have master's or doctoral degrees in special education and thus I do not feel that parents have perhaps the same opportunities that I have had to ensure that my son has had a quality education.

In summary, I'd like to say that whatever is done, that we must include our Indian people in the process of responding to these needs.

[The prepared statement of Marilyn Johnson follows:]

Hearings on Discretionary Programs of EHA

Statement

By

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To

Mr. Major Owens, Chairman
Committee Members

House Subcommittee on Select Education

March 7, 1989

March 7, 1989

Good Morning Mr. Chairman and Committee Members. I am here to share with you information regarding the needs and issues regarding American Indians with disabilities. I share this information with you from two perspectives - that of a professional and of a parent. I'm here to inform you that needs of American Indian children continue to be unmet or inadequately met.

In 1987, I and my colleagues conducted a national study titled "A Study of the Special Problems and Needs of American Indians with Handicaps Both on and off the Reservation". In an effort to determine the nature and extent of needs that exist, one must ascertain the number of American Indian children with disabilities in the United States.

Data for school-based information were derived from two sources: (a) U.S. Department of Education, Office of Civil Rights Survey dated 1984 and (b) Bureau of Indian Affairs Enrollment Data. Although the data are similar, there are also differences between BIA and OCR data. Whereas the BIA data represents and actual count of all students in 19 states where Indian children are served by BIA, the OCR data is derived from a sample of American schools. In addition, OCR data includes information on five categories of handicapping conditions while BIA uses categories which parallel those of P.L. 94-142.

Thus, given the limitations of the data sources, I submit the following findings. Of the children served by BIA, 16.89% have handicapping conditions. In public schools, 9.88% are handicapped. In the US population, 11.20% of children are categorized as having a handicapping condition. Review of the data shows that the greatest percentage of American Indian children with disabilities are categorized as learning disabled. A more comparable comparison of handicapping conditions might be a comparison of the four handicapping conditions on which data was collected for each data source: mentally retarded, specific learning disabled, seriously emotionally disturbed, and speech impaired. A comparison of these four categories yields the following percentages of handicapped children being served: 16.15% in the BIA, 9.88% in OCR-survey public schools, and 10.42% of the US population.

These percentages of children with handicapping conditions translate to the projected number of Indian children with disabilities as 44,752 based on the data sources.

These figures, however, represent only those children who are of school age. In making decisions about services to American Indian children, one must also consider those conditions which occur in higher percentages than in the general population and which have implications for planning of Special Education and related services. Some of these conditions are fetal alcohol syndrome, Haemophilus influenza meningitis, and otitis media.

In a study by Dr. Phil May, he found that the rate of fetal alcohol syndrome varies among tribal groups. Within the Navajo group, one child in 690 was born with fetal alcohol syndrome. In the Pueblo group, there was one child in 495 while the Plains group had a one child in 102 with fetal alcohol syndrome (May, 1983). In the general population, the rate ranges from 1 child in 600 to 1 child in 700 with fetal alcohol syndrome.

The condition of H. flu meningitis seems to affect young Indian children with greater frequency than the general population. In particular, studies have been conducted among tribes in Arizona and Alaska. In some instances rates of H. Flu meningitis are nearly 5-10 times greater than those in the general population. Forty percent of the time this conditions occur prior to six months of age a time when active immunization may not protect them (Santhosham, Reid, Ambrosino, Wolff, Almeido-Hill, Priehs, Aspery, Garrett, Croll, Foster, Burge, Page, Zacher, Moxon, & Siber, 1987).

Based on BIA data, the percentage of Indian children served in the category of hearing impaired was .05%. However, it is estimated that otitis media, a middle ear infection which often leads to hearing impairment, occurs in Indians 20 to 70% greater than in the general population (McShane & Mitchell, 1979). It has been suggested that the rate of otitis media in American Indians is 15 times greater than in the general population (Weit, 1979). Thus, there appears to be a discrepancy between the number of children served and the number of children projected to have this condition.

Special Education Teachers and Related Personnel

The need for Special Educators can be translated from the number of children who require such services. The first and greatest concern is that services should be available to children with handicapping conditions regardless of whether the teachers are Indian or non-Indian. Indeed the majority of teachers who provide Special Education services to Indian children are non-Indian. However, school districts cannot escape the reality of higher rates of teacher turnover by non-Indians which often result in gaps in educational services, period of adjustment of teacher to new environment, and a period of time for teacher an students to become acquainted.

In 1985, Dr. Jan Schnorr conducted a telephone survey of the five major public school districts on the Navajo reservation. At that time there was a critical need to hire 20 new Special education teachers for the academic year. Of the Special Education teachers who had been hired, only 25% were Native American although the Native American enrollment in these public schools ranges from 95-97%.

One other index verifying the need for Special Education teachers is the number of calls I get particularly in the Fall but also throughout the year to find out if I know of any special Education teachers. Calls come primarily from the Southwest, but also from Nebraska, South Dakota and Wyoming.

In one survey conducted by the Director of Project PEAKS in 1988 of Arizona schools with 50% or greater enrollment of Indian children, 97% of the respondents expressed the need to recruit and retain teachers preferably American Indians. Forty-eight percent of the respondents indicated that the isolation factor of reservations communities was a problem in keeping Special Education teachers. The isolation factor was coupled with lack of housing, conveniences of urban life were preferred and limited social life which posed difficulties for some teachers. Regarding BIA teacher salaries, it was noted that pay scales were lower than those for public school teachers.

Advantages for hiring Native American teachers are that these individuals typically live in the area already; some may already have homes in the area. The isolation factor which seems to threaten or intimidate some non-Indians is otherwise embraced by Indian people as wide open spaces with views unsurpassed anywhere else on earth. Indian people know this way of life very well. It is accepted that travel is required to obtain medical care, attend school, purchase food, clothing and household items.

The most important advantage with trained Native American professionals is the awareness one has relative to cultural and linguistic distinctions which characterize one's tribe. A Native American teacher would bring to the classroom a set of experiences which would parallel those of Indian children and thus be in a position to present information which would be comprehensible to the children. For example, someone from outside a tribal group may perceive a situation as an oddity, although it may constitute acceptable behavior within a group. An Indian teacher would be knowledgeable about norms which exist for behavior and interaction between members of a cultural group. Likewise, there would be an awareness of language patterns and forms of communication which may vary with a tribal group.

Cultural norms do not lend themselves easily for explanation. As an example, teachers who have grown up within the Hopi cultural and language group may recognize readily the transitions in learning which a Hopi child makes and perhaps the ways in which that child relates school learning to his or her culture or language. With regard to a child who may be retarded, the child can use American Sign Language for communicating, the word 'mother'. However if a child wishes to use the Hopi word for 'mother' versus the English work 'mom', the teacher who is not familiar with the language would not have the opportunity to reinforce the child's efforts at communication in the native language. Similarly, a teacher familiar with the child's culture and language could facilitate a child's comprehension of concepts by drawing on the child's milieu of experiences.

An additional advantage of Native American professionals in Special Education include serving as a role model and source of encouragement for Indian youth. In addition, a teacher from the community does not have to restrict communication with children's parents to the school day, but may very well communicate with parents during community or tribal activities or functions.

The significance of Indians as teachers can not be overstated. Although the number of Indians who attend college has increased slightly, this is tempered by the number of students who dropout of high school, thus reducing the overall pool of potential high school graduates. In addition, a significant number of Indian students drop out of college further reducing the potential number of Indian graduates.

One way to respond to this need has been through the Personnel Preparation Grants. However, this year, the RFP was not specific to ***minorities*** but rather to ***special populations***. Whether or not this has resulted in a reduced number of applications remains to be seen, since applications in this category were submitted only recently.

Parents of Children with Handicaps

In addition to the needs regarding American Indian children with handicapping conditions and the teachers to serve them, there is a group of individuals who we need to bring back into the picture. Whereas, there was a high level of commitment to training and development of awareness regarding services for parents particularly after the enactment of P.L. 94-142, this appears to have waned and there does not appear to be much attention paid to this issue as there once was except in isolated situations.

In a study conducted by Connery (1987), he queried parents in an Arizona community, both Indian and non-Indian, about their level of knowledge relative to the Education for Handicapped Act and the protections and assurances provided through due process and procedural safeguards. Both groups of parents had limited knowledge about the law and related safeguards, however Indian parents had less knowledge than the non-Indian parents.

The needs exist for parent training perhaps through Parent Training Centers. Although there is a Center which exists in the Albuquerque area which is meant to address these needs, it would be unrealistic to consider that this one Center could respond to needs at the national level. In addition, people from the communities should be trained to assume the training of parents. In this way, a parent can have someone to call on when needed and someone who has some knowledge of the cultural aspects of the parents. The issue of parent training, without a doubt, needs to be brought back to the forefront as a priority area.

Transition from School to Work

There is a tremendous need for efforts to be initiated in the area of school to work transition. There was one project on the Navajo reservation, however, funding for it has since ended. In the absence of projects to address this issues specifically, it is unlikely that this issues will be addressed.

One reason it is so important for Transitions projects in coordination with Vocational Rehabilitation is that Indian people do not access the system at rates comparable to the general population. Of greater significance is that Indian people are rehabilitated at rates much less than the general population.

One particular response in the area of vocational rehabilitation was based on a study conducted by AIRRTC researchers (Martin, & O'Connell, 1986). In that study rehabilitation technicians from the Pueblo communities were trained to obtain referrals. Since the study, New Mexico DVR has hired a Master's degreed Native American to serve as liaison between the NMDVR and the Pueblo communities. There will soon be two additional technicians hired at the Pueblo community level.

Parent Perspective

Now I would like to speak as a parent. Just as I had had the benefit of opportunities for education and to expand my horizons and the support of my family wanted nothing less for my own child. I believe that P.L. 94-142 and its amendments have made Special Education and related services a possibility for all and a reality for many children.

I must say, however, that the services my son has received have not always been so readily available nor willingly provided. The public school system in New Mexico was an excellent provider of services and it was an education for me to learn of the educational options available to children with varying handicapping conditions.

The most challenging experience was in a BIA school in which the teacher objected totally to the idea of integration for my son even though that had been a prior and successful placement for him in the public school. That situation was the ultimate test a parent can face and is a test of one's perseverance and courage. I was a parent who also had a Master's degree in Special Education for me this was a very intimidating experience. I can only empathize with parents who may not have as much information or background as I do, because the system can be very intimidating to parents. In addition to the placement issue, I was told by another Special Education teacher that use of the native language by my son should not be encouraged since it only served to confuse him and interfered with his learning. This, to me, was totally unacceptable for several reasons:

1. My son wold be encouraged to communicate in ways that served his needs (sign language, written language, oral language) and in whatever language possible (Keresan or English).

2. To deny my son use of the native language was to restrict his repertoire of words which was not extensive by any means and also wold limit him from communicating concepts in his culturally relevant setting. Words in the native language for grandma, thank you after meals, hot and cold, and greetings have great utility and meaning within the family and community setting.

3. Finally, insensitivity to the cultural aspects and opportunities for participation in family or within the community and limiting the opportunities thereof is to suggest that the child who is mentally retarded or has a handicapping condition is without a culture and without a language.

These experiences led me to investigate the issue of bilingualism and the performance on tasks by children who are monolingual and bilingual educable mentally regarded. In my study, I did not find any statistically significant differences in performance between the two groups suggesting that a second language does not interfere with learning.

As a parent and professional, I am concerned with schools which serve only children with handicaps. In one such school system, my son was being served adequately,except that he was in a school attended only by children with handicaps. I, however, brought together the administrators from two schools that were adjacent to each other -- one school was for children with handicaps and the other was a regular elementary school. The first step was to encourage the schools to agree on my son spending his recess time at the regular school, then recess and lunch, then finally one class, lunch and recess. By the time we reached the step where he was in a class, he was in this setting for only about a month, since it was the end of the school year and I was completing my doctoral coursework. There is one upbeat point of this. I was informed two years ago by my son's former teacher at that school that she was now the liaison between the two schools and was facilitating the participation of children with handicaps in the regular elementary school. She wished that Marty had been able to benefit to a greater extent from my efforts, however, other children will have it a little easier.

Summary

While the needs continue to be great, there are ways to respond to some of these issues by incorporating the involvement of Indian people particularly those from the communities. When Indian people are involved they also assume a responsibility to be part of the solution rather than having someone come in and fix the situation, leave and once again the community people had no part in its possible resolution to address issues and needs.

I strongly advocate the involvement of Indian people in any effort regarding circumstances in their communities.

Mr. Owens. Thank you. We have word that Patricia Mann is on her way. I don't think she's arrived yet. If she does arrive, we'll include her in the next panel.

I'd like to begin the questioning of the panel with you, Dr. Johnson. You mentioned there was some local project is no longer in existence. Can you elaborate on that? Is that funded by these grants?

Ms. Johnson. The School to Work Transition Project?

Mr. Owens. Funded by the Discretionary Grant?

Ms. Johnson. It was funded out of Discretionary funds, I believe, out of the Voc Rehab.

Mr. Owens. Why is it no longer in existence?

Ms. Johnson. Well, the funding ran out. And that used to be located on the Navajo reservation.

Mr. Owens. The funding ran out?

Ms. Johnson. Right.

Mr. Owens. It was not funded fully for the period of this Act?

Ms. Johnson. It was funded fully for a three-year period, yes. And it was a cooperative effort between the Navajo Vocational Rehabilitation Program and the public school system. As the funding ran out, then the project also folded.

Mr. Bartlett. Would the Chairman yield on that?

Mr. Owens. Yes, Mr. Bartlett.

Mr. Bartlett. I'd like to know just a little bit more about it. Was it intended originally to be funded by the Federal Government on an ongoing permanent basis, or was it supposed to—was it supposed to run out from our perspective and the locals didn't pick it up? Or was it supposed to continue forever?

Ms. Johnson. Okay. I do not feel I'm in a position to answer that. I would rather the question be referred, if need be, to someone from the Navajo Vocational Rehabilitation Program.

Mr. Bartlett. So you don't know why the——

Ms. Johnson. No, I do not know why.

Mr. Bartlett. [continuing] the funding ran out?

Ms. Johnson. No.

Mr. Bartlett. It's generally my understanding that Discretionary Grants are made for a given period of time with an agreement between the Discretionary grantor, the Office of Special Education or Vocational Rehabilitation and the grantee with an agreement that in over that period of time the grantee will then use that start-up grant to obtain permanent funding.

Ms. Johnson. I do not know the specifics of what the agreement was. No.

Mr. Bartlett. Okay. Thank you. Thank you, Mr. Chairman.

Mr. Owens. Dr. Wagner, what is the percentage of Indians and what is the percentage of other minorities in your study?

Ms. Wagner. Again, I have a computer printout about this high that would allow me to give you answers or percentages to questions like that. I don't have it all with me. I'd be happy to give specific percentages in writing at a later time.

We have found that minorities are represented in the special education population to a greater degree than in the non-handicapped school population. Just as Ms. Simon said, there are more minorities in special education. We've also found that special education students are significantly poorer than the non-handicapped school population. So, on a national basis we have found that to be the case.

We have a very small representation of Native-Americans in our sample. We have picked a nationally generalizable sample and that is a low-incidence minority group which shows up in low-incidence in our sample as well. So, we're not able to look at—we don't have enough Native-American students in the sample to look at their transition specifically.

Mr. OWENS. I'm going to direct this question to Ms. Simon, but all three of you might want to address it.

Ms. Simon, what can we do to promote and increase the number of Blacks who are involved and trained as teachers, special education teachers? The same thing would apply for Native-Americans, in the case of Ms. Johnson. What can we do through these grants to encourage more to become trained in this area?

Ms. SIMON. In the training grants there really needs to be directed——

Mr. OWENS. Will you use the microphone, please.

Ms. SIMON. [continuing] concerted efforts toward recruiting and training minority professionals. The major impediment, I would say, to entering the field is probably finances for minority college age students. There needs to be increased financial aid packages and graduate assistanceships and traineeships to provide the opportunity for minorities to enter the field to be trained.

Also, there needs to be a more concerted effort with letting minority students, even as far down as the junior high school level, to become aware of the professions that are available in the whole special education and related services. A lot of times by the time our students reach college some of those career decisions have already been made. We could provide that information earlier.

Another strategy would be to look at trying to articulate some type of relationship between the two-year institutions and the four-year institutions because the latest data shows that almost fifty percent of minority students are in the two-year colleges. And I highly suspect it is because of the lack of financial aid and the cost of attending the four-year institutions. So, if the knowledge, the availability of the professions, and the money was made available, I think people would come.

Mr. OWENS. The largest portion of the Discretionary Grants goes to personnel training, traineeships, such as 631, 632 and 634. Currently that's $67 million. Now, the things that you just enumerated can all be done somewhere within that $67 million dollars. What's the problem?

Ms. SIMON. Mr. Chairman, I think the situation is critical enough and will continue to be exacerbated by the increasing numbers, that a portion of that money should be earmarked specifically for minorities. It should be more than a minority preference. It should be there specifically for African-American students, Hispanic students, Native-American students, so that they will be able to avail themselves of these opportunities.

Mr. OWENS. Dr. Johnson, I have four questions here that were sent over by Pat Williams who was at one time the chairman of this subcommittee, and was a member of the subcommittee last year. One of the questions he asked me to ask you is: Should the set-aside flow for American Indians be increased from one-fourth of one percent to one-half of one percent? This is the present set-aside, for training, isn't it?

Ms. Johnson. I believe the language that you read probably refers to the Vocational Rehabilitation Rehab Act. I think that there certainly need to be-resources in developing the Indian Vocational Rehabilitation——

Mr. Owens. Well, that's not a set-aside related to the Discretionary Programs that he's talking about?

Ms. Johnson. The language that you're referring to is——

Mr. Owens. That's in the Vocational Rehabilitation Act.

Ms. Johnson. Yes.

Mr. Owens. He wanted you to comment.

Ms. Johnson. I believe there do need to be resources in developing the Indian Vocational Rehabilitation Programs. There are over 500 federally-recognized tribes or Alaskan Native villages, and currently 14 of those tribes are funded to provide vocational rehabilitation services.

However, I think there are some concerns that perhaps there could also be funds for planning grants. The vocational rehabilitation services are very new to Indian people, although they have been provided to the general population. They are less likely to access them. They are less likely to be successfully rehabilitated, with the exception of North Carolina, I believe.

Mr. Owens. Could anything be gained by having a set-aside for Indians in the training programs, the personnel training programs?

Ms. Johnson. Mr. Chairman, I do have some concern, as does Ms. Simon, that I think that there could be some language in there that was taken out this year relative to the RFP which now reads that it is for special populations rather than for minorities. However, I do not have documentation on whether the grants that came in this year were substantially affected by that. So, I cannot comment as to what impact it had this year. But I would support strongly that the language should read that it be for minority populations.

Mr. Owens. Both of you have indicated that there is a big problem with parent awareness among these minority populations. In terms of the way we use our grants, what do you propose that we could do to increase parent awareness that's not being done presently?

Ms. Johnson. I am aware of one center that serves as a parent information center in a little community north of Albuquerque in Burnaleal, New Mexico. As I understand, that is the only center that provides training to parents, American-Indian parents. Given that there are over 500 tribes or native villages, I don't see how that one center can respond to the vast cultural/language issues that parents would face and the access to such information out of the Act.

Mr. Owens. I understand parent awareness and parent training comes under the same personnel training section that I mentioned before, which has $67 million in funding.

Yes? You wanted to comment, Ms. Simon?

Ms. Simon. I was just going to pick up about the need for parent training and add to that to talk about the need for the availability of information to reach the parents that I speak of who are outside of the special education service delivery system.

I think with the existing parent centers that there should be a requirement to perform minority outreach to insure that you bring in minority parents into the system.

I think with regard to the clearinghouse—and I speak about in particular my own experience as a consultant to the National Information Center for Children and Youth with Handicaps who contacted me to develop a low reading level—some low reading level parent training material for them due to the numerous requests that they have received from parent training centers and other organizations around the country because most of the information available is not available in a manner where it's easily accessed or comprehended by the parents who have children who are underserved.

So, I think that there needs to be increases with the clearinghouses to develop these types of materials. This is an example, the low reading level book. In field testing this in Baltimore, Maryland last summer, I went into several sessions of a mandatory employment program for welfare recipients. In each group that I spoke to with my draft document there were about 25 primarily Black mothers with children under age six. Out of those groups, 15 to 20 parents indicated that they had children with some type of learning problem or disability, and not one in that entire group had ever heard of Public Law 94-142. This was last summer.

So, I'm saying that information needs to be available that will encourage parents to pick it up, that will encourage children to pick it up when their parents can't read. And I feel that because of the work that the clearinghouses have done, that this would be a natural place to develop and centralize this type of material, which then could be made available to all the parent centers and aid in minority outreach.

Mr. OWENS. Well, the clearinghouses serve people who call in, people who are seeking information.

Ms. SIMON. That's exactly why I feel—that's why I think the minority outreach should be done by the parent centers. Because the parent centers are located right in the locales. They should develop minority outreach to reach into underserved communities, to reach these parents who are not participating in their children's educational programs.

Mr. OWENS. Would you care to comment, Dr. Wagner, on the same problem?

Ms. WAGNER. No, thank you. We're not dealing with issues of personnel preparation. We're dealing exclusively with the students and what are happening to them as they leave school. So, I'm not prepared to comment on that issue.

Mr. OWENS. Do you know of any efforts in your studies—it's quite important and will be used to guide a lot of policymaking—to collect raw data on minorities, for instance, other than the data which is reported by states?

Ms. WAGNER. We do. Again, most of our information comes about a specific sample of 8,000 students that we've interviewed their parents by telephone and collected information from their school records. So, we have information that goes vastly beyond what's been available up to this point.

We have information on their family backgrounds, on what kinds of school programs they've been enrolled in, what kinds of related services they've received, their employment—the student's employment history, whether they go on to post-secondary education, what the parents' expectations are for them in the future.

When I called the database a gold mine, those are just some of the things that——

Mr. Owens. Let's just backtrack for a moment.

Ms. Wagner. Okay.

Mr. Owens. How do they get into the database?

Ms. Wagner. Excuse me?

Mr. Owens. How did the 8,000 get into your database?

Ms. Wagner. We selected a sample of school districts first that is nationally representative. And then asked the for rosters——

Mr. Owens. So this is a representative sample?

Ms. Wagner. It is. Of not only——

Mr. Owens. So you had some minority considerations when you were choosing that representative sample?

Ms. Wagner. We did. We did.

Mr. Owens. So you think you have a good sampling.

Ms. Wagner. We do. And then because we interviewed by telephone we thought there was a bias in under representing low-income populations and so we went door to door in 28 school districts until we found 400 or 500 of the kids that we had missed by telephone, and added them to the sample, and weighted it accordingly. So, I think it's an excellent representative sample of students—not only handicapped students as a whole, but, as I said earlier, of individual disability categories. And that's never been possible before.

Mr. Owens. But these had to be students who were in the system already?

Ms. Wagner. They were special education students in the '86-86 school year. Some of them have been declassified since then. About a third of them have left school since then. So, we are looking at what happens to them as they leave school, and will continue to for three more years. Some of them will be as old as 25 or 26 when we're finished.

Mr. Owens. All those who never entered the system, you have no pickup on those.

Ms. Wagner. That's correct. They were all special education students in the year in which they were selected.

Mr. Owens. So your project would not be equal to, say, a census of—one of the considerations that we have looked at is that we need to conduct some kind of census of where the disabled population is in the country and some kind of census, in particular, of where the children are to determine how well are we serving those who need to be served most——

Ms. Wagner. We can't——

Mr. Owens. [continuing] with the funds that we have.

Ms. Wagner. Yes. We can't get at issues of under representation. We only know who got in. We don't know the people that should have been——

Mr. Owens. You have a good representation of those who were in the system?

Ms. Wagner. We do. At the secondary level. It's an excellent representation. But we can't deal with issues of who didn't get in, by definition.

Mr. Owens. Have you ever done any correlation of your study with the Social Security payments to the disabled?

Ms. Wagner. We did ask parents whether they were receiving services from any of a long list of benefit programs. And we did find that food stamps, for example, the population in special education, the families are more likely to be on programs like that or receiving benefits from programs like that than the non-handicapped population. Aid to Families with Dependent Children is the same phenomenon. It does correlate with the income information we have. These are poorer families than exist in the general population.

Mr. Owens. Thank you.

Mr. Bartlett.

Mr. Bartlett. Thank you, Mr. Chairman. Thanks to the panel. I think we all appreciate your testimony.

Dr. Wagner, I want to start with you because I want you to sum up something for me, if you would. I've read your testimony, but I'd like you to put it in a nutshell.

You say on page 1 of your testimony that the National Longitudinal Transition Study is—your words—"is an outstanding example of how studies funded under Section 618 contributes to improving the policies and practices of special education." And I don't dispute that. And you go on then in your conclusions to conclude that—therefore, the gist of your testimony is we should continue to fund Section 618.

My question is, tell us in specific ways how the National Longitudinal Transition study funded under 618 has contributed to improving the policies and practices of special education. Which policies has it changed? Which practices has it improved?

Ms. Wagner. We're only in the second year of our study and so far we're just now beginning to present any findings. The federal policies so far have not changed. As you know much better than I, that takes a good long time sometimes. It will have a much bigger impact at the federal level as things to on.

One example that I spoke before, a hundred transition project leaders, much the same kind of project that Dr. Johnson was talking about on the Indian reservations—those kinds of transition projects, there are practitioners out there who are dealing largely in a vacuum. They know very well how their kids are doing, but is that better than worse than kids—are they experiencing the same problems and what will help? What are the things that seem to relate to a more positive transition experience?

And I was able to provide information that allowed them to assess their project relative to national norms. That had never been possible before. They knew their kids were having a tough time. Kids everywhere are having a tough time. And we are going to be able to point out, as the project goes along, what programs and services and experiences seem to relate to kids having a better time. And then local people can take those and run with them.

We'll be able to suggest the kinds of experiences, the kinds of programs that they can provide to their students in their transitioning young people that will help them get jobs, will help them access post-secondary education, which they're not doing in great numbers today.

So, information is a powerful tool, and it's never been available on a national basis before.

Mr. BARTLETT. I'm trying to understand how it's available on a national basis now.

Ms. WAGNER. The findings that we have touch issues, measure outcome, of kids in ways that's never been available. Nobody knows what percentage of kids when they leave special education get jobs. I know that now.

Mr. BARTLETT. What?

Ms. WAGNER. Fewer than half find any kind of paid employment, part-time or full-time, a year or more after they've left school. Fewer than half. We have a measure of whether the child has done any productive activity, volunteer work, homemaking, paid employment, sheltered employment—have they done any of those things in a year since they've left school. Only 70 percent have. Thirty percent of those kids are doing nothing out there, they have found no connection to adult society.

That's not good news. We never knew that before, and we know it now. I mean, when I say I got audible gasps from these transition project directors it's because they didn't even know that there was that dimension of problem out there. That's the sense in which you having invested or the federal government having invested in collecting this information can wake up a whole lot of people to a problem they only kind of knew was there before. And that's powerful, I think.

Mr. BARTLETT. So, you've only begun? Is that——

Ms. WAGNER. Right. We're just now, this year, presenting the first kind of information that says what seems to help. Last year we were able to provide information on how bad is it. And those are the nature of the questions. It's kind of progressive. First you document the nature of the problem——

Mr. BARTLETT. So what format will you use to demonstrate to individuals—your audience is individual school districts? Is that right?

Ms. WAGNER. I think the testimony demonstrates we have a broad range of audiences. There are other researchers than state and local governments who are using our data to try to hold up their projects to say, in our state, you know, the State of Vermont, the State of Colorado, they're all doing—now they're getting federal grants to do transition studies in their states, follow along with their kids. And are they doing better or worse, given the way they help transition students than the national norms?

So, there are ways that we're supporting local level research. We're providing information in small pieces to individual audiences that are geared to their interests. We'll be putting out a whole series on visually impaired students in post-secondary education. Very specific kinds of things for people who want to know about specific questions. Regular education for learning disabled students, does it help? Things like that will become available in the next year.

Mr. **Bartlett**. To whom? And who gets that?

Ms. **Wagner**. It will be available through the ERIC clearinghouse so larger reports can be ordered. I get a dozen phone calls a day probably from state and local—from other researchers and practitioners who want to know can I send them anything.

Mr. **Bartlett**. Do you have a specific plan for dissemination of the products and could you describe it?

Ms. **Wagner**. We do, and it includes producing all of these products, these one and two-page flyers, the professional papers that we're producing, and individual topic reports. We are not funded to distribute those. There are clearinghouses and document dissemination mechanisms through which those will be distributed.

Mr. **Bartlett**. Do you believe that we have the systems in place to cause them to be distributed?

Ms. **Wagner**. You have to ask. I mean, it's the same issue as the clearinghouse that Ms. Simon brought up.

Mr. **Bartlett**. So the answer is no, we don't?

Ms. **Wagner**. The people that ask can get the information. The people that don't ask, don't get the information.

Mr. **Bartlett**. I must confess to you that my conclusion to all of that is that no, we don't have a dissemination process in place. But tell me if that's the wrong conclusion. We do or we don't?

Ms. **Wagner**. Dissemination is a long chain. It starts by producing information. That's being done. That's what we're contracted—the Department of Education contracted with us to produce certain pieces of information.

It then has to be put in the public domain so that it can be accessed. And then there are people who will simply never ask. And there has to be funding of mechanisms—the outreach mechanism—to make it available when the person out there doesn't ask. That's not a researcher's job; that's not what I was asked to do.

For the chain to work, though, it has to happen at all those stages. We're making sure it happens at the first stage, and that's even new. That's where this project is unlike a lot of other research. It's that we were specifically asked to produce the information in pieces that can be usable. Now, the rest of the chain is kind of up to the rest of the chain. But I think our other speakers have addressed the fact that the outreach at the end is not happening to some particular populations of parents and students and teachers.

Mr. **Bartlett**. Dr. Wagner, our difficulty is that what we are about to do is a very serious undertaking. We are about to reauthorize and improve where it needs to be improved the discretionary grants of the Education of the Handicapped Act. Now, in that what we want to determine is, what are the elements in that that are not working as well as others. And I'm trying to determine whether dissemination is not working very well. And, if not, what would you recommend that we do about that. Or, if it's working just terrific, well, give me some evidence that some third grade teacher in Del Rio has been able to get access to your report and been able to act on it.

Ms. **Wagner**. A real good, real aggressive third grade teacher in Del Rio will be able to get a hold of, if she takes the initiative, anything that we're producing. The fact that we're producing it is good news.

Mr. Bartlett. How many third grade teachers in Del Rio do you believe take that initiative?

Ms. Wagner. I don't believe very many do. And I think that it's at that end——

Mr. Bartlett. So, take that out and now tell me about the ones that don't, which is most.

Ms. Wagner. Okay.

Mr. Bartlett. How does she get it—or he?

Ms. Wagner. I want to be sure that you understand that there are different parties responsible for different pieces of this chain.

Mr. Bartlett. I understand. I'm not blaming you. I'm asking what should we do in the law to cause dissemination to happen.

Ms. Wagner. 618 should be worded so that the research that's done produces information that is usable. That's new to our project. We're not the only one doing it, but we're doing it very explicitly. And that's good news.

The Office of Special Education Programs had to bend over backwards to make that happen. You know, you don't want a final report in five years. You want information people can get a hold of and make use of. We're doing that. So, the first stage is being taken care o;, 618 can be worded to make sure that happens more often.

Mr. Bartlett. Okay.

Ms. Wagner. The second stage is that there are networks out there. You know, we send things to the Council for Exceptional Children and it has a mailing list. We sent things to Health Resources which deals with post-secondary education. It has tens of thousands of parents and teachers that it provides information to. There are networks. But, again, they only reach certain kinds of people.

The outreach end of the chain I think is your weak link, and that's not research, that's a different phenomenon. You would fund a different kind of program to do that. You wouldn't fund the Stanford Research Institute to do that. You 'd fund somebody else, some other kind of mechanism, and I think local initiative is probably where you'd want to go for that. They know their teachers. What works in San Antonio may not be what works in Baltimore. So, you would want local programs, I think, to take over that part of the chain.

But you'd have to pay attention to the entire chain. If there's an outreach program in Baltimore that only had the final report from the National Longitudinal Study, they wouldn't know what to do with it. So, it's a chain, it's a process, and you have to attend to the whole thing to make it work. That's not a nutshell, and I'm sorry.

Mr. Bartlett. I was trying to write down how we should change the law to improve that, but I'll keep working on it.

Ms. Wagner. Okay.

Mr. Bartlett. Ms. Simon, I want to try to develop -- the gist of your testimony, as I understand it, is that there are large number of minority students with disabilities, and there is an under representation of minority teachers in special education. Did I sum that up? Probably badly oversimplified, but——

Ms. **Simon**. Well, it's simplified. I would say an under representation of—I would say even an imbalance between the number of students and the number of professionals, including teachers and other related services who are minority in special education.

Mr. **Bartlett**. So, in special education professionals there is an under representation?

Ms. **Simon**. On the whole. And it's even—I would imagine the numbers are even worse in related services.

Mr. **Bartlett**. What impediment do you find in federal law that causes that under representation?

Ms. **Simon**. I really think the issue is primarily of finances. I really think it's a financial issue. A college education today is extremely expensive and people are entering fields where—they are being encouraged to enter fields where there is financial assistance, there's scholarships, there are grants. And also, once they complete their education, the remuneration on the other end is commensurate.

This is not happening with special education. Today it's not viewed as a high prestige profession. Most salary scales are not very high. And along with the cost to get the education, these are the things that are keeping people out of the field. As well as I'm not sure that the various professions available in the field are being made known to high school and undergraduate students before they make those decisions.

So, I think it would be a lack of knowledge of the availability of the professions in the field along with adequate financial resources to complete the training necessary.

Mr. **Bartlett**. So you think we should increase our emphasis on direct stipends to students——

Ms. **Simon**. I think so.

Mr. **Bartlett**. [continuing] at the expense of money that goes to institutions?

Ms. **Simon**. Yes, I do. I think scholarships should be made available that are commensurate with tuition costs, the inflation. It's a very major decision. It's a critical decision to not go to work and go to college.

Mr. **Bartlett**. Some would say that if—I mean, there is a competing goal here. And I want you to know—and I'm going to think it out with you as we talk. But the competing goal is that parents of special education children, as well as administrators and school districts, would say that their major problem is an enormous shortage of trained and educated and qualified special education personnel—primarily teachers, but others.

So, they would define the problem as a shortage of personnel in the classroom that are qualified for special education. And some, therefore, would contend that in solving that problem it is far more effective in terms of the results of getting more special education teachers into the classroom that are qualified, to not use so much direct scholarships because then you only get a one for one. You provide one scholarship, you get one teacher. Some would say that instead you provide assistance to the schools to develop their own programs and the use guaranteed student loans and Pel grants and other available fellowship out of post-secondary fellowships and grants to then train special education teachers. Because there's a lot more money in GSF and in Pel grants and in other scholarships.

So, some would say that you get a lot more special education teachers into the classroom by funding the institutions than by a dollar for dollar basis for scholarships. How would you respond to that?

Ms. **Simon**. Well, as a student myself, I'm currently a doctoral student at the University of Maryland, College Park, working on a Ph.D. in special education. And I would not have been able to have continued my education without direct financial assistance from the university. The requirements for Pel grants and financial aid have been changed and it's really not as easy as you make it sound. It's just not that easy to quality for GSF and Pel grants. And I speak from my own personal experience, and for my daughter. Because I'm also a single parent who is helping put my daughter through school. So I'm well aware of the change in financial aid. And it's really not easy to get financial assistance to acquire a college education today.

I agree about the quality of personnel in special education, but it also appears to me that there could be some way to encourage the state agencies to provide in-service and pre-service training to their own instructional and related groups personnel as well.

Mr. **Bartlett**. I'm not trying to make it easy. I'm trying to determine if we're going to provide a $30,000 grant to a university, if we provide it in the form of a scholarship to you, to a student, well, then we perhaps get two special education teachers into the classroom. If we provide it more to a grant to a department to set up a special education division or department, then perhaps we get 10 or 15 special education students graduating every year. So, the goals do conflict.

If the goal is to provide you a grant to go to college, well, then we can do that directly. If the goal is to try to have a department that graduates 15 a year, then that's different.

Ms. **Simon**. Well, in speaking specifically with regard to minority professionals, if that grant is provided through the university, then I think the university should have a requirement to outreach and recruit minority professionals to be trained under that pool of monies.

Mr. **Bartlett**. Agreed. Thank you. Thank you.

Mr. **Owens**. Mr. Martinez.

Mr. **Martinez**. Thank you, Mr. Chairman. Let me just follow up on the line of questioning of Mr. Bartlett, my colleague. But before I start that, Ms. Simon, I might get into a dialogue with you. Did you know this country already has what Mr. Bartlett suggested was—I guess, by the tone of his comments—completely unfeasible? That a qualified person can receive four years of the finest education absolutely free. And for that he has to return—I forget the number—I think it's six years of service at a pretty good rate of pay. There is such a system. Do you know about it?

Ms. **Simon**. I'm not sure that I understand.

Mr. **Martinez**. There are four academies in which if you qualify to go into and get appointed by a Congressman or get Dean's appointment from the college, you can get four years of the finest education absolutely free. It doesn't cost you one penny. Of course, you have to live with the disciplines that are there. But you're trained for some specific duty that might be available outside the service—or, the training you get is applicable to private industry. And most of those people that do go, put the years of service they need to and then they go into private life.

I don't see why we can't do exactly the same thing in recruiting the teachers we need. You know, we're a little bit behind: Mexico has the same kind of system in their medicine. If a person wants to be a doctor and he passes the aptitude test, the Mexican government puts him through school completely free. But for that, he's got to return at least three days of the week free service to the poor. And then the other two days he can work for profit. And in those two days a doctor can do well. I've met several doctors from Mexico who make as much money as they need to live a very high standard of living in those two days.

And yet we have not devised a way in this country to provide education to people who cannot provide for their own education. Why not provide an incentive? Why not say, "if we provide you this education and you go into this service of teaching the handicapped——

Mr. OWENS. Will the gentleman yield?

Mr. MARTINEZ. Yes.

Mr. OWENS. Just to clarify a fact. He's talking about the military academies. They're the ones that are free. Excellent education.

Mr. MARTINEZ. But you see how puzzling it is? We need to think of those things in terms of what we can do elsewhere—because for some reason or another we say this is a priority. Well, the priority there is the defense of our country. To me the education of our people is the defense of our country. At least it is the defense of our freedom.

If that be the case, then I think that we should have education as one of our highest priorities. In the Chairman's opening statement he talked about a nation at risk—and I think we're still a nation at risk. And one of the reasons is because if you look at the statistics that the Chairman stated in his opening statement, 56,000 disabled students age 16 to 21 dropped out of school in 1985 to '86. That is an average of 312 students a day. Isn't that amazing? That is a resource going down the tubes. A resource going down the tubes!

Don't you think that we ought to push for at least a fund to recruit people for this? Even if it's some kind of a grant—what is the harm in a grant if we get the educated people we need to do the job we need?

Ms. SIMON. Yes. I would agree wholeheartedly. And I do not remember the exact title of the program. But for my undergraduate degree there was such a program where if you agreed to go in and teach special ed—it was a loan, but if you agreed to teach special for a certain number of years, then you did not have to pay the loan back. And that was how I acquired my undergraduate degree in special education.

Mr. MARTINEZ. Fantastic.

Ms. SIMON. And I think those kinds of things need to be available to encourage——

Mr. MARTINEZ. We need to do more of it.

Ms. SIMON. Yes.

Mr. **Martinez**. We need to make an emphasis on it.

Ms. **Simon**. I agree.

Mr. **Martinez**. And we need to make it known to the public that this is available. You talked about the study, and I want to say this facetiously—I am not trying to be mean to you. But, all too often researchers say "it's not my job, man. We do the study and somebody else distributes it, you know." But in government I've seen so many studies conducted at such a cost just sit on the shelf. Studies on the shelf don't help anybody. Information you've compiled doesn't help anybody unless it gets disseminated.

You say, well, we don't have the mechanism for distributing it; it's somebody else's job. Well, fine. And Mr. Bartlett says we don't have in place—I take it by what you've stated, we don't have in place—I would suggest that we do. The Department of Education itself should be responsible for disseminating this information to all of the school districts everywhere. They get other information out. The mechanism for getting that information out must function well if we're not going to be too blind to see.

You know, I have a person working in my office now who is blind. I don't prefer to call him sightless like some people do because he sees more than we do when we have full vision.

But he's earning a salary equivalent to everybody who has that job and does that job. And you know, he's one of the best people we've got working. He is a vital resource to us. And that I can see that everywhere else in this country if these kids don't drop out.

If I did a study, I'd want to make damned sure that it got out and not sat on the shelf. And I would go to any length I had to, to make sure that it did get out. And I would sit on people's desks and I would chomp on them until they got that information out because as you say the information is valuable. It's a tool, it's important. It's not if we don't get it out.

Having said that, I wonder why in doing the study for the Department of Education you didn't insist to them that they provide some mechanism for distributing this information once you had done the study. What good is it if you do the study and it's not distributed?

Ms. **Wagner**. The research funding and projects of our nature are under contract to the Department of Education. They are the ones who determine the scope of work. Our project is unusual in that they have the foresight to ask us to produce materials for dissemination purposes explicitly. That is very rare. They did a great job in making sure we have the funds and we have the commission to do that.

Those will be put in the hands of people whose job it is—Health Resources is a company, a foundation, a firm, whose job it is to network and to get information to tens of thousands of people interested in post-secondary education. We provide the information to people like that. They provide information through public media.

You know, I've been on the circuit lately. I will go around and talk to anybody who asks me about this project. It isn't a lack of commitment. What I wanted to show with the project is that much more of this could be done if the law were to say when you mandate a special study, part of the study's job is to produce this kind of information. And you could fund people whose job it is to take the information and get it into the hands of teachers. Or you could give the Department of Education the authorization to do that.

Mr. **Martinez**. So a key part of this——

Ms. **Wagner**. The whole chain has to work and no one kind of organization is good at all parts of that process. We're real good at producing real good information in a really usable form. And providing it then to people whose job it is, and they're good at it, to get that out into the public access.

Mr. **Martinez**. So a key part of this is really making sure that there is funding and to make sure that the people get the information?

Ms. **Wagner**. I have a task budget for dissemination. That's not common in research. I love the fact that it's there. It's my highest priority at this stage of the project. I'm past data collection. You know, I've got other people doing analysis. My job is to make sure people understand what we're finding. And that's great that I have that freedom and a task and a budget to do that under. It should happen more often.

Mr. **Owens**. The time of the gentleman has expired.

Mr. **Martinez**. Okay. Let me——

Mr. **Owens**. One more question?

Mr. **Martinez**. Then the assumption that Mr. Bartlett made that there is no way to disseminate the information is wrong. There is. There is something in place that can disseminate the information?

Ms. **Wagner**. I think the explicit reference there was there is information to be made available for people who ask for the information. There is always a portion——

Mr. **Martinez**. No, no. But that's not what I'm asking. To say that there is no way to disseminate information, I think, is not right.

Ms. **Wagner**. I think that's correct.

Mr. **Martinez**. There is.

Ms. **Wagner**. There are people who don't know how to access the available sources of information. And for them——

Mr. **Martinez**. But there is a way to get it out.

Ms. **Wagner**. [continuing] some extra effort is often required. There are networks available. That's correct.

Mr. **Owens**. Mr. Jontz.

Mr. **Jontz**. Thank you, Mr. Chairman. I apologize for my late arrival, and I don't have any questions for the witnesses, but I hope to have a chance to study their written testimony. And thank you, Mr. Chairman, for your hospitality.

Mr. **Owens**. Ms. Mann, we recognize you had a problem in getting here. So we'll let you have the last word. We'll have your testimony as the last word for this panel. Will you take the microphone, please.

Ms. **Mann**. Good morning. I'm here today to testify. I'm a current student at George Washington University. I'm a sophomore. And I have a learning disability. I wanted to first just run through for you a little bit of my history and my education. I have gone through public schools throughout my education until now that I'm attending George Washington University.

I'd like to first tell you that I was first diagnosed as having a learning disability in the first grade. After that time, my teachers made sure that I was pulled out for an hour every other day and during hour what happened was there was a reinforcement of spelling, grammar. I was not up to writing yet. I was too young for that.

Basically I went through this throughout grades 1 through 4. I them moved over to the intermediate school where you were older, you were more on your own. It was an elective class. I was still recommended to take it, very strongly. I took it. It was the same type of class. It was 45 minutes a session, three days a week. It was the same reinforcement of grammar and spelling.

I then moved on to junior high and it was the same type of elective course that I was encouraged to take, and it emphasized spelling and grammar and also writing structures. When I moved on to high school I found that there wasn't really a level for me. I was told about the different levels and I personally decided that there was not a level for me. It would have been a waste of my time to attend these classes.

What I really needed at this point was to take some of the reinforcement that I was getting in elementary school and put it into practice. I had gone into my high school English classes—some of the classes that were considered the easy A and I was getting a C—I really had not picked up yet how to transform the mechanics into writing. Luckily for myself, I was exposed to three very, very good English teachers and one particularly encouraging lady who headed our Learning Disabled Department out in my high school, which I also feel I was extremely lucky to go to White Plains High School because they had such a strong department.

The three English teachers basically did not let me get away with some of the things my earlier English teachers had. I don't think they really let me get away with it, but I don't think it was quite the time for them to really stress that I needed to write or that I just needed the mechanics. These three teachers, by pushing me—and then by myself pushing to go this learning disabilities director and working with her very, very long hours after school on learning how to transform the mechanics into writing, helped me to finally produce an A in my last semester of my junior year. To then I just never hoped, really, for beyond a C in English.

I then went on to my senior year of high school and I was put in an amazing English class. The teacher did not really understand my learning disability at first. After talking to her again and again he finally understood it. She didn't grade me differently. I've never asked to be graded differently. I just have asked for a greater understanding and for a little extra help in order to obtain my potential. I did end up with an A in her course and we are great friends to this day. She will help me out whenever she can.

I did find my B's started to change as I became—as the end of my junior year came and the beginning of my senior year came because I was applying to colleges. I needed help finding the resources to take the Scholastic Aptitude Test on time and my achievement test on time. Luckily my guidance counselor mentioned it to me and then the Learning Disabilities Department was able to follow through with that, get me the necessary tests I needed in order to do that.

At that time I was disappointed that I was told so late. I didn't even know that during my high school I could have taken my tests, which during my senior I did, and my grades improved significantly. If I had been told that earlier, maybe I would have had a better grade point average.

I then followed through and when I came to George Washington University I registered with the Disabled Student Service Department and they have been very helpful to me in getting extended time and directing me towards my writing center at George Washington University, who have helped me. They, themselves, are trying to understand students with disabilities more right now. But they have been very helpful in helping me pick up some of the techniques I missed in elementary school, that I missed in junior high, and that I missed in high school. It's no one's fault. It's just my learning disability. Some of the things I didn't grasp as quickly and I just need a little bit more help now compensating for them in order to remain mainstream throughout my college education.

An important point I wanted to make was that during my elementary and high school and college years I've never been separated. And for me personally that has been very important. I've never been labeled. I've always had a competitive nature that although sometimes my writing wasn't as well, maybe it was even, you know, lower than my classmates, that has pulled me up in order to remain in my higher level classes. But I was always encouraged to take learning disabilities elective or course. I was basically told—I mean, I could have opted not to. It would have been silly. But I was never labeled and I was never non-mainstreamed.

Basically I just want to leave you with the fact that I personally feel that due to my education in the public schools of New York and through coming to George Washington and finding very helpful support systems I believe I have overcome my disability. I'll always compensate for it and will always learn new ways to compensate for it. But because of the strong support I got I believe that I've overcome it.

I just want to make sure that that support will be there for others and that, you know, it will be more readily available, more seen, more programs will be—more people will be aware of more programs.

Thank you.

[The prepared statement of Patricia Mann follows:]

HOUSE SUBCOMMITTEE ON SELECT EDUCATION
Testimony Presented on March 7, 1989
by
Patricia Mann, Sophomore at George Washington University

MY PERSONAL EXPERIENCE OF HAVING A LEARNING DISABILITY

Elementary education - Public School, White Plains, NY.

I was first diagnosed as having a learning disability in the first grade. After I was diagnosed as learning disabled my elementary school teachers had me taken out of class for an hour every other day. During this hour we mostly practiced spelling and grammar.

When I graduated to the Intermediate school, which held fifth and sixth graders I was assigned to an elective class for learning disabled students that met for forty-five minutes three times a week. In this class we worked on spelling, grammar, and writing structures. During Junior High school I was assigned to a similar elective class for learning disabled students that met three times a week for thirty-nine minutes. As in the previous class spelling, grammar, and writing techniques were stressed.

High School - Public, White Plains, NY.

Once I was in High School I had acquired many skills in order to compensate for some areas of my disability. My main area of difficulty had narrowed to writing and spelling. I found that the elective learning disability classes offered in my High School were below my level and would have been unproductive for me. With this realization I went to the head of the Learning Disabled department and arranged with her to have personal sessions as I felt they were needed. In these sessions we concentrated on writing. The Director of the Department helped me understand and correct many of the problems my teachers found with my writing.

During my junior year I had different needs. I was applying to college and found that the Scholastic Aptitude Test was unfair with my disability. I received assistance from my school in obtaining permission to take the tests extended time. I was also able to take some of my final examinations with extended time that year; there was a significant increase in my final grades that semester.

During my education in Elementary, Intermediate, Junior, and High school I was always mainstreamed. Most of my classes were either the highest level or second highest level. I was in the highest math level and second highest reading and writing levels; this was due to my difficulties with grammar, reading, and writing. Upon reflection I see that it was extremely important that I was never labeled or isolated from my peers. It was this interaction that allowed me to become competitive and overcome my disability.

University, George Washington University, Washington, D.C.

Presently I attend George Washington University, at the University I am registered with the Disabled Student Services office. The office has helped me obtain extended time for my examinations. I have also found the writing center of our university very helpful in actually teaching me different writing techniques and pointing out my areas of strengths and weaknesses.

Reflections on my disability and education

While I was in elementary school the lessons I attended helped reinforce much of the grammar I was not able to grasp in the classroom. Even with these classes I was still behind my peers in many areas of grammar, composition, and reading. At that time I did not understand why. However, I think I was to young to understand why it took me longer to understand these concepts; it was probably better that I did not blame my disability because I maintained my competitive nature and did not think of myself as disabled.

When I moved into the Intermediate school and Junior High school I was much more self-conscious about my disability. However, these classes were extremely important because I learned much of the grammar, composition, and reading skills I never managed to learn in elementary school. I believe it was these classes that allowed me to maintain my seat in my advanced level courses.

Upon my entry to High School I was very insecure about my disability, and wanted to ignore it. Luckily I came in contact with extremely helpful teachers. My base of support was the Director of the Learning Disabilities department in my High School. I had three English teachers who were extremely hard on me and made me learn many of the grammar and composition rules I had missed throughout my education. With the help of these teachers and the director of the Learning Disabilities department I learned these skills and received my first "A" in English my last semester of my junior year of High School and I went on to earn another "A" my senior year and an "A" in my freshman college writing course.

After leaving High School and entering college I was able to internally deal with many of my inner conflicts that were caused by my disability. I have gained a greater self confidence about my abilities and I do not see myself as limited by my disability. I have worked extremely hard to overcome and compensate for my disability. I believe that my early education gave me the necessary base in order to fulfill my aspirations. The process of learning new ways to compensate for my disability is a continuing process, however I do believe I have overcome my learning disability.

Respectfully Submitted:
Patricia Mann
George Washington University
(202) 676-2509

Mr. **Owens**. And it would be good if the kind of support you got in elementary school had been there in junior high and high school and college.

Ms. **Mann**. Well, the support was continuously there. It was just transferred into different—I mentioned that I'd taken a class in junior high school also and intermediate school.

Mr. **Owens**. Thank you very much. We're glad you made it. It's a good note to end on. I want to thank all the members of the panel.

The next panel will consist of Ms. Ginger Greaves, IMPACT-HI, Temecula, California; Dr. Larry Stewart, psychologist, Jacksonville, Illinois; Mr. Larry Siegel, San Rafael, California; Mr. Marc Maurer, President of the National Federation of the Blind, Baltimore, Maryland; Dr. Philip Hatlen, Chair of the Joint Action Committee of Organizations of and Serving the Visually Handicapped, Berkeley, California; Ms. Helene Gruber, the President of ACLD, Okemos, Michigan.

Did all of our witnesses make it today alive?

We will begin with Ms. Greaves.

STATEMENTS OF GINGER GREAVES, IMPACT-HI; LARRY STEWART, PSYCHOLOGIST; LARRY SIEGEL; MARC MAURER, PRESIDENT, NATIONAL FEDERATION OF THE BLIND; PHILIP HATLEN, CHAIR, JOINT ACTION COMMITTEE OF ORGANIZATIONS OF AND SERVING THE VISUALLY HANDICAPPED; AND HELENE GRUBER, PRESIDENT, ACLD

Ms. **Greaves**. Good morning, Mr. Chairman. And I would like to say, if I could, very quickly, I was hoping that Congressman Bartlett would still be here. He really touched me with what he said about retaining options. And I think that as a parent of a deaf child—and hopefully the other parents in the room have children with other handicapping conditions could really relate to what he said. I'd like to thank him personally for saying that.

I will want to go right straight to the issue. We're here today to talk about LRE, and I want to tell you my story about our son, B.J., who is 11 years old and he's deaf, and his journey through the educational system demonstrates some serious concerns.

There he is. Congressman Bartlett——

Mr. **Owens**. You may repeat it.

Ms. **Greaves**. Thank you. I wanted to personally thank you, Congressman Bartlett, for the comments you made regarding placement options and individual needs of children. I real rise of hopefulness went through each of us sitting in the audience, those of us who are here today to discuss this issue. And I'd like to thank you for that. Okay.

I'm here today to tell you about my story. Our son B.J. who is 11 years old and he's deaf, and his journey through the educational system demonstrates some serious concerns that parents are having from all over the United States regarding the misapplication of the Least Restrictive Environment provision of Public Law 94-142.

B.J. has been in five different placements and I can report to you today that the failed first approach to implementing LRE has been successful. It really does work. B.J. has successfully failed in three of his five placements.

He began his school career uttering only unintelligible sounds, speaking no words, and using no sign language. Placements 1 and 2 were in preschool classes closest to home. The teachers knew no sign language. B.J. had no peers to communicate with. As the first placement was not working, he was placed in a language based class. We were aware of a program for hearing impaired children in a self-contained class which was one hour away. We were not encouraged, nor did it come up in the IEP process that this was a viable placement option. It was considered a restrictive placement class that—it was considered a restrictive placement since it was far from home even though it was the only class that had children like B.J. At the end of his second placement, at the end of the second year, he was still uttering only unintelligible sounds, he spoke no words, and he used no signs.

Placement Number 3. As hearing parents, we wanted a hearing deaf child. We wanted as much normalcy as possible for him. And during Placements 1 and 2 we worked with our home district to develop a class that was very close to home. In fact, it was right across the street from our house. There were no other hearing impaired children in the district. The class that was assembled became a communicatively handicapped class for children with language disorders. And I have to tell you that we felt that life seemed to be coming up roses.

The IEP team suggested, and we agreed, that B.J. should be mainstreamed for math. He was introduced, of course, with prereading and math skills. And he really enjoyed math. The teachers, the doctors, the therapists that we had been working with since the confirmation of his deafness said that he was going to be bright, that he would be fine.

I served as his interpreter in the math class. He would now be making hearing friends. He was on the soccer team in town. He was in Scouts. But then a hard reality hit us, and I have to tell you that it hit tragically because B.J. was not communicating with his teacher, he was not communicating with his classmates, his soccer team mates, his fellow scouts. No one could talk with him. No one knew sign language. His teachers did not know sign, his friends did not know sign. Serious barriers to learning became apparent. Now, remember, we wanted him in that placement close to him, and we worked for that.

He had no access to language, and as a result he became increasingly frustrated. He was withdrawn. And I saw him as being mentally isolated. He had no language. He needed a teacher/tutor who knew sign language. He needed someone to talk to. He needed someone to teach him. He needed a lot of peers to be with that he could communicate with. He desperately needed language.

Placement Number 3 was clearly too generic and not concentrated enough to meet his needs. Finally, a teacher/tutor was provided only two days per week for two hours per day. B.J. now was into four years of severe language deprivation.

We began to realize that no one—no one—during the whole process, and including ourselves, zeroed in on what his specific needs were. The assessments had not been conducted by professionals trained in deafness. Not one person knew specifically what we needed to do to assess his needs as it related to deafness. There should have been a system in place within the IEP process to make sure that B.J. was placed according to his specific needs. That there should have been information on all the placement options and how those placement options could have met his needs, instead of a singular focus on placement close to home.

There was a presumption that once the student was placed in the school closest to home he would have an appropriate education, and we wanted that for him. But since B.J.'s access to language and learning had been restricted in the truest sense from the beginning of his placements, he was in a truly restrictive environment.

Placement Number 4. You recall I mentioned that there was the hearing impaired program that had students in it which was an hour away. So, we looked at that much more closely. There were eight deaf children in the class, and they were ages 7 through 13. This was a self-contained class on a regular campus. The positive aspects of this placement were there was a teacher who was trained to work with the hearing impaired. The students in the class knew some sign language. So I knew B.J. could at least be able to start talking with them. And the teacher's aide could sign and was trained with the hearing impaired.

But soon, however, we got another dose of reality. The following problems became apparent with this placement. Number one, the teacher was overwhelmed by the diversity of the age range and language abilities. The 7 to 13 age range and the low incident numbers of the children—there was a vast diversity in their own language skills and their own cognitive skills. The cognitive abilities were so diverse that there was no curriculum that could be designed to meet the needs of each of those children in the class.

There was no continuity in programs between the elementary, junior high school, and the high school programs. They were all three in different districts.

There was little interaction between deaf students themselves because of the diversity of their own language abilities. There were no deaf role models, and there was no opportunity for parent input in the program development.

However, this class, be it inadequate, was far better than Placements 1, 2, and 3, and we thought B.J. could have some success in this placement. But, it was in jeopardy of being dismantled. The movement in special education was and is strong and absolute, to refer our kids back to the local district and to the regular classroom. It seemed like a death sentence for us in regards to B.J. He had already been in those placements, he had already failed them, and he was eight and a half years old and he was at a pre-K level. He was only uttering unintelligible sounds. He spoke no words. And he was just beginning to learn sign language. He had a vocabulary of ten words.

Placement Number 5. Desperate measures were in order. Major decisions had to be made. We found a placement that we thought was, number one, safe from dismantling, and, two, provided the following components that would help B.J. to be successful.

Number one, it had a complete and total access to language using B.J.'s communication mode in all phases of the educational plan. Number two, there was a curriculum developed specifically for his needs. Number three, they were age-appropriate and skill-appropriate classmates in groupings. Number four, there were teachers and staff specifically trained to work with all levels of cognitive development in the deaf child. Number five, there were deaf role models and a critical mass of peers that he could communicate with. Number six, there were opportunities for social interaction after school and in recreational activities with his deaf peers. Number seven, there was assessment conducted by professionals trained in deafness, using tests normed for the hearing impaired. And, number eight, there were comprehensive support services with personnel trained in deafness.

At last we felt we found his real Least Restrictive Environment. It was a program that provided B.J. with the very elements that all hearing children have. They have peers, they have appropriate teachers, they have assessments, and they have curriculum geared to their level of language and cognitive abilities, and they have appropriate role models.

Placement Number 5 is at the California school for the deaf in Riverside. It is a state school. It was three hours away from our house. However, please take note that we could not facilitate placement at this school even by moving directly across the street. The local district had their own program for elementary kids and the state school is considered a restrictive placement. There was no discussion of B.J.'s needs.

We sold our house, our business, and we uprooted from a community that we lived in for 15 years. We moved to a district one hour from CSDR. It did not have a program of its own and we knew that ahead of time. And this was a calculated move. We began to lobby the local district for referral to CSDR. However, the county has its own program which is halfway between our house and CSDR. We were told—I think you know what's coming, Mr. Chairman—we were told that assessment and placement must first be in the county program, as it was the Least Restrictive Placement. It was closer to home.

We were ready. We had pointed out that B.J. had already met the criteria for failure. Confrontation was now our posture, negotiation was difficult, and resolution to benefit B.J.'s needs seemed almost impossible. Finally, referral was made to CSDR, and we did it without going to Fair Hearing.

After one and a half years at CSDR, B.J., at age 11, uses sign language all the time, he is just beginning to emerge in the third grade cognitively. We have a sense of relief with his academic position at this time.

I'd like to ask you, though, if you had a 12 year old child who was bright and had the potential to be at his grade level, and if your child did not have access to that very basic component to develop his mind—that being language—I don't think that you would tolerate what had happened to B.J.

I must stress to you that the last bastion of hope for our son, the very placement that is considered the most restrictive in the eyes of the regulations and those who enforce them, is truly the least restrictive for B.J. And along with good concentrated classes and center schools in other programs, they are in serious—including the state school—they are in serious and immediate jeopardy of being dismantled in the name of LRE. And I can tell you that this very day as I sit here, they are being dismantled. And in our heart of hearts we cannot believe that this was the true intent of the law.

In closing, B.J. was the victim of the failed first approach to LRE. Five years have been literally wasted for him. The damage is done and irreparable. We are faced with the convoluted logic that the very program that has provided the basic needs for a deaf, language, peers, comprehensive program, may be in some cases—and is—being dismantled and are considered the restrictive environment. The last placement for B.J. is the placement that has broken down the barriers that have restricted him.

The parents feel this situation is serious. We are not alarmists. We are realists. The handwriting is on the wall, that based on the monitoring process there is the strong emphasis that special ed children must be educated into their home schools regardless of their specific needs. The government has failed to recognize the negative effects of not identifying their needs first prior to determining placement.

LRE is being enforced at the expense of placement options and at the expense of access to language for deaf children. We fully support integration opportunities for non-deaf and for other deaf children who can benefit from that integration. We seek clarification via enactment of the recommendations of the COED report and via clear policy directives from OSEAs.

Thank you.

[The prepared statement of Ginger Greaves follows:]

Educational Isolation of Deaf Children

The misapplication of the Least Restrictive Environment provision of PL 94-142 as it relates to deaf and hearing impaired children.

Testimony Before
the House Sub-Committee
on Select Education

Chairman Major Owens

March 7, 1989

Prepared by a Coalition
of National Deaf Organizations,
Parent Groups, Educational
Institutionals and
Legal Foundations

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IMPACT-HI

Independently Merging Parent Associations of California — Together For The Hearing Impaired

The Honorable Congressman Major Owens
Chair - Select Sub-Committee on Education
Annex 1, Room 518
Washington, DC 20513

February 10, 1989

RE: LEGISLATIVE HEARINGS

Congressman Owens:

On behalf of the Board of Directors of **IMPACT-HI**, thank you for allowing Pat Laird to spend two days with us to discuss our call for a National Oversight Hearing on the issue of Least Restrictive Environment (LRE) and its impact on a Free Appropriate Public Education (FAPE) for deaf and hearing impaired children. Her visit helped to clarify the types of hearings, the political dynamics involved with our request, and your support and understanding of the parents' concerns.

This matter of LRE is crucial to the well-being of deaf and hearing impaired children. The Commission on Education of the Deaf (COED) received "voluminous" testimony on LRE and concluded in their February, 1988 report to the President and Congress that it was a major issue "thwart(ing)" the provision of an appropriate education for those children.

We would formally and enthusiastically accept any opportunity to participate in a panel presentation within a Legislative Hearing, particularly the ones planned for early March, 1989. We feel strongly that the issue may require further investigation by an Oversight Hearing and consider the panel presentation a possible first step in that direction.

To clarify our objectives for the panel presentation, we have attached the following:

I. Statement of the Problem
II. Purpose of the Presentation
III. Potential Components of Written and Oral Testimony
IV. Form of the Presentation

These concepts were developed in concert with the National Association of the Deaf (NAD) PL 94-142 Task Force. A letter from the NAD President, Dr Larry Newman, is enclosed.

Finally, we stress that the rights of deaf and hearing impaired children can be fully protected without affecting, in any way, the rights of other special education children. **We seek clarification of LRE and the development of a process that ensures that placement decisions are made after, not before, determination of individual needs;** we do not seek to change the place LRE has within the PL 94-142 framework.

Thank you

Sincerely,

Mike Glad
Mike Glad
President

Ginger Greaves
Ginger Greaves
Chair - Federal Legislative Committee

Enclosures

cc: Dr Larry Newman
Maria Cuprill
Pat Laird

46751 Fremont Boulevard Fremont, CA 94538 • 34330 Cooperman's Circle Temecula, CA 92390

ATTACHMENT: **Components of Legislative Hearing – February, 1989**

I. STATEMENT OF THE PROBLEM:

A FAPE based on the child's unique needs is not being provided to many deaf and hearing impaired children. As a result of federal and state policy, school districts are inappropriately applying the LRE provision. Consequently many deaf and hearing impaired children are being improperly placed and tragically isolated with harmful and life-long impact on those children.

II. PURPOSE OF PRESENTATION:

A. Ensure that a deaf and hearing impaired child's FAPE and subsequent placement is individually determined, fully accessible, and based on the unique communication/education needs of that child.

B. Ensure that application of PL 94-142 is made consistent with the recommendations of the Commission on Education of the Deaf.

III. COMPONENTS OF WRITTEN AND ORAL TESTIMONY:

A. Presentation of the Problem

B. Consequences of the Problem

C. Legal Analysis

D. Description of FAPE for deaf and hearing impaired children.

E. Potential Remedies

IV. FORM OF THE PRESENTATION:

A. Individual Testimony
  1. Parent
  2. Student
  3. Deaf Adult
  4. Teacher
  5. Lawyer
  6. Academician
  7. School Administrator
  8. IMPACT-HI Representative

B. Written/Other
  1. COED Report
  2. Statistical
  3. Academic Research
  4. Narrative

NAD
NATIONAL ASSOCIATION OF THE DEAF
301-587-1788
814 THAYER AVENUE
SILVER SPRING, MARYLAND 20910

REPLY TO:
LAWRENCE R. NEWMAN, PRESIDENT
5445 VIA SAN JACINTO
RIVERSIDE, CA 92506
HOME/TDD 714-683-8265

February 7, 1989

Congressman Major Owens
Annex 1 Room 518
Washington, D.C. 20513

Dear Congressman Owens

On behalf of the National Association of the Deaf, I would like to reiterate the fact that we are in full support of IMPACT - HI's request for an Oversight Hearing on the Least Restrictive Environment which, through the Commission on Education's report to Congress, has elicited the most concern and response in testimonies presented throughout our country.

We also feel that a panel presentation within a Legislative Hearing to be held in early March would be a step in the right direction. There is so much that is misunderstood and misinterpreted related to the mandates of PL 94 - 142 that the record needs to be set straight in order for hearing impaired children to be entitled to equal educational opportunities.

I would like to mention here that we appreciated the fact that your office released Ms. Pat Laird to be with us during one of our IMPACT - HI and NAD PL 94 - 142 Task Force meetings. Not only did Ms. Laird contribute meaningfully to our meeting, but she came across as a wise and caring person who was able to steer us around political detours.

We appreciate your concern and involvement with those of us who are hearing impaired.

Sincerely,

Lawrence Newman

Lawrence Newman
President

cc: IMPACT - HI Board
NAD Task Force
NAD Board

TESTIMONY

PARENT – GINGER GREAVES

Immediate Past-President
and
Chair-Federal Legislation Committee
IMPACT-HI

Mr. Chairman and Distinguished Members of the Committee:

My name is Ginger Greaves. I am first and foremost a parent of a deaf son "B.J." who is 11 years old. I also represent IMPACT-HI, a statewide parent organization in California. Our organization has as its constituency 7,000 hearing impaired children and approximately 14,000 parents. Ninety percent of the children attend regular and private school programs, and ten percent are enrolled in the two state schools serving the deaf.

We want to share with you some concerns about the Least Restrictive Environment (LRE) portion of PL 94-142. We are in full support of this provision. We seek clarification of the LRE provision, because it is, as the Commission on the Education of the Deaf Report indicated, is thwarting the Provision of Free and Appropriate Public Education for many deaf children.

I also speak on behalf of hundreds of parents and professionals in deafness from all over the United States who have contacted us and are in support of our efforts to bring congressional focus to the issue. From the parents' perspective, the LRE provision is being enforced at the expense of those program options which may offer the very components necessary to meet the specific needs of their children.

I want to address our son's placement history and how it relates to the serious concerns parents are experiencing with the LRE provision.

Placement #1

At age 3, B.J. was uttering only unintelligible sounds, spoke no words and used no signs. Although I had been an interpreter for the deaf prior to his birth and using sign language with B.J. since his deafness was confirmed, he assimilated no signs expressively. He was placed in a handicapped preschool program close to home. The program was not in his local district, but only about 20 minutes away. The teacher knew no sign language. There were no other hearing impaired students in the school. A speech teacher came for a 1/2 hour session once a week. The class was held four days a week for three hours per day. We had begun private speech and audiological therapy when B.J. first began using hearing aids at 18 months, and that therapy continued throughout his preschool and subsequent educational career. At the end of the first year, B.J. still uttered only unintelligible sounds, spoke no words and used no signs. We were aware of another program option which was a preschool class of hearing impaired children. It was an hour away – we were not encouraged, nor did it come up in the IEP process, that this was a viable program option. We were told that the option was considered a restrictive environment as it was so far away from home, even though it was the only option that had children like B.J.

Placement #2

Because B.J. needed more access to language, Placement #1 was clearly not working. A language-based preschool class was available at another school and he was placed there. The teacher knew some sign language, but B.J. was again the only hearing impaired student in the entire school. He did not communicate with his classmates. At the end of the school year, he uttered only unintelligible sounds, spoke no words and used no signs.

Placement #3

During the last two placements, my husband Ed and I had been working with, and encouraged by, our home district and the Special Education Local Plan Area (SELPA) to develop a class for B.J close to home. There were no other hearing impaired students in our district, so the class became a "Communicatively Handicapped" class for students with language disorders. Ironically, in order to form the new class, students who had heretofore been attending clustered programs in the region, were pulled out of their placements to fill B.J.'s new class. But life seemed to be "coming up roses" — the possibility of "normalcy" for B.J. was a welcomed change. He would now be making friends with the boys down the street, playing soccer and baseball with the neighborhood pals. The IEP team suggested and we agreed that he could even be mainstreamed for math. However, once again B.J. could not communicate with his new found friends, the teacher could not sign and we were beginning to see serious barriers in B.J.'s learning environment. He did not have language; his teacher and his classmates could not communicate with him. The teacher and classmates were becoming frustrated, B.J. was frustrated. The mainstreaming component was dropped immediately, he simply could not follow what was going on in the class. What he needed was a teacher/tutor who was trained in deafness and could teach him sign language. However, the cost of providing a "one-on-one" situation was too prohibitive to the district and the SELPA. We began to see that this placement was too "generic" and not concentrated enough to meet B.J.'s needs. B.J. needed language peers and socialization opportunities. Three months later a teacher/tutor was provided, but only two days a week for two hours a day.

B.J. had now had four years of severe language deprivation and we were continually sick at heart. We began to realize that no one really knew during this whole process, including ourselves, what B.J.'s needs were. The assessments had not been conducted by professionals trained in deafness. There should have been a system in place within the IEP process to make sure B.J. was placed according to his specific needs; information on the placement options should have been provided, rather than a singular focus on placement closest to home. There was a presumption that once the student was placed in the school closest to home, he would have an appropriate education. But since B.J.'s access to language and learning had been restricted in the truest sense from the beginning of his educational placements, he was in a truly restrictive environment. Outside psychological testing of B.J. confirmed severe language deprivation, and it was recommended that he be educated by a teacher of the hearing impaired and have opportunity to interact with language peers and role models. B.J. was still uttering only unintelligible sounds, speaking no words and using no signs. He was age 7.

Placement #4

There was a hearing impaired program an hour away from home that had 8 deaf children in it, ages 7–13. The students were bused in from other districts. The positive components of the placement were: a) a trained teacher of the hearing impaired, b) a class with hearing impaired students who knew sign language; c) the teacher's aide could also sign. Soon, however, the following deficiencies became apparent:

1. Teacher overwhelmed by the diversity of age range and language abilities (only two could sign, one was oral).
2. Cognitive abilities were so diverse that there was no curriculum designed to meet their specific needs.
3. No continuity in programs between elementary, junior and high school programs, which were in three different districts.
4. Little interaction between deaf students themselves because of the diversity of their own language abilities.

5. No deaf role models.
6. No opportunity for parent input in program development.

Even this inadequate class was in jeopardy of closing, we heard that the students would be referred back to their local districts or disbursed into the regular classrooms – all in the name of LRE. If B.J. had to go into regular classroom placement, or back to local district placement – he would be back to ground zero. B.J. was 8½ and was only uttering unintelligible sounds, spoke no words and knew 5 signs. We worried about his dreams, his future, his self-esteem, he had a mind with no words, a body with no soul.

Placement #5

We found a placement that we thought was not only safe from dismantling, but also had the following components:

1. Complete and total access to language using B.J.'s communication mode in all phases of the educational plan.
2. A curriculum developed specifically for his needs.
3. Age-appropriate and skill-appropriate classmates.
4. Teachers and staff specifically trained to work with all levels of cognitive development in a deaf child.
5. Deaf role models and a critical mass of peers.
6. Opportunities for social interaction after school and in recreational activities with deaf peers.
7. Assessment conducted by professionals trained in deafness using tests normed to the hearing impaired.
8. Comprehensive support services with personnel trained in deafness.

At last we had found the LRE – a program that provided B.J. with the very elements that all hearing children have: peers, appropriate teachers, assessments and curriculum geared to their level of language and cognitive abilities, and appropriate adult role models.

Placement #5 was at the California School for the Deaf-Riverside three hours away. However, we could not facilitate placement at CSDR by even moving directly across the street from the school. Even though that would be the school closest to home, the local district would not make referral to CSDR because the district had its own program for elementary students. The residential school was seen as the most restrictive. The school district in denying placement in CSDR never discussed B.J.'s needs.

After selling our home and business, and uprooting our family from a community where we had lived for 15 years, we settled in a school district one hour away from CSDR. That was a calculated move. This time we were not going to allow for placement at the local school, where there was no program and lobbied the district ahead of time to get support for referral to CSDR. However, the County had its own program, which was half way between our home and CSDR. They stated that assessment and placement must first be facilitated in their program, as it was the less restrictive placement in comparison to CSDR. **Again, there was no discussion as to B.J.'s needs during the conversation**. My husband, who has a Doctorate of Education with an emphasis in Special Education, called a meeting of all concerned to discuss how B.J. had not been successful in the other "less restrictive" environments – that too much damage had been done and precious time wasted and that B.J. could not be subjected to any further opportunities to "fail". The County called back that same day and agreed to facilitate placement at CSDR. Transportation was an issue... we solved that... I drive him 75 miles round trip — daily... and we do not ask for reimbursement for gas.

After 1½ years at CSDR, B.J. now 11, uses sign language all the time, and is at the 3rd grade level academically. His little mind is growing and overflowing with precious language and dreams. We no longer feel sick about his not having the opportunity to acquire language — **but I must stress, that the last bastian of hope for our son — the very placement that is considered the most restrictive in the eyes of the regulations and those who enforce them, is truly the least restrictive for B.J. This placement, along with concentrated classes and schools in County programs are in jeopardy of being dismantled in the name of LRE.** We cannot believe that this was truly the intent of the law.

COMMENT:

The law says that students must fail first before they can be placed in a "more restrictive" placement. Our B.J. was the victim of that "fail first" approach. Five years have been literally wasted for him... the damage is done and is irrepairable. For five years he did not have access to and immersion in language. We are faced with a convoluted logic that the very program that is providing the basic needs for a deaf child — language, peers, comprehensive program — may be doomed to dismantling because somehow it is considered a restrictive environment. And this is the placement that has broken down the very barriers that have restricted him for five years.

The parents feel the situation is very serious... they are getting notices from their districts that there will be changes in their children's placements next year to facilitate movement into the "less restrictive environments." LRE is being enforced at the expense of placement options, and at the expense of access to language for many deaf children. We fully support integration opportunities for non-deaf, other deaf children who can benefit from that integration. We ask that a national oversight hearing be called to investigate this situation further and to bring about a clarification of the law to the benefit of all handicapped children.

Thank you.

TESTIMONY

PSYCHOLOGIST/EDUCATOR – DR. LARRY STEWART

U.S. House of Representatives
Sub-Committee on Select Education

Thank you for this opportunity to speak on behalf of the National Association of the Deaf and educators of the deaf during this panel hearing. My name is Larry G. Stewart. I am a third generation Texan but currently reside in Jacksonville, Illinois, where until recently I was superintendent of the Illinois School for the Deaf. I am licensed as a clinical psychologist. Throughout the 32 years of my professional career since receiving a Bachelors degree from Gallaudet University in 1957, I have worked professionally in the field of education and rehabilitation of deaf children and adults. I have taught deaf children and adults from pre-school through graduate school. I have coached teams of deaf athletes, I have a deaf granddaughter, I count many deaf people among my closest friends, and I have administered and conducted research in rehabilitation and educational programs for deaf children and adults. I am profoundly deaf, having lost my hearing at the age of eight years through pneumonia. I was the only person in my immediate family of seven brothers and sisters to have a hearing loss. I attended public schools in Gladewater, Texas, for most of my early education, simply because neither my parents nor my teachers had any idea there was any kind of program for deaf children in the state at the time. As it was, I was the only deaf child in the entire Gladewater school system during my nine years there. In fact, I never saw another deaf child until later, when I enrolled at the Texas School for the Deaf in Austin where I earned my high school diploma. In addition to an undergraduate degree from Gallaudet, I earned a Masters Degree from the University of Missouri in Columbia in 1963 and a Doctorate from the University of Arizona in Tucson in 1970.

I earnestly hope this background encourages your trust in the things I will be sharing with you today. Through your attention and action, countless deaf children may be spared needless neglect and others may be spared actual emotional and mental abuse.

It is a very great privilege and honor for one such as myself to appear before this fine Subcommittee. The National Association of the Deaf is mindful of your strong advocacy and priceless assistance to all handicapped citizens over the years of your service in the U.S. Congress. For this we wish to take this opportunity to express our deep gratitude and appreciation to each of you individually and as a subcommittee.

The National Association of the Deaf has over 15,000 members. Our organization is perhaps the nation's oldest among all advocacy groups for citizens with disabilities in this country. We represent the interests and welfare of an estimated 18,000,000 to 20,000,000 deaf and hard of hearing children and adults. Our members come from throughout the U.S., from just below the border we share with Canada, south to the Mexican border, and from the eastern shores of the cold Atlantic Ocean across the heartland of America well into the Pacific paradise of Hawaii. We are proud that the United States is the land of deaf Americans as it is the land of all other Americans, handicapped and non-handicapped.

The Deaf Community's Request of the Sub-Committee

I am here to present to you a humble and respectful, yet most urgent request from the nation's deaf community for the consideration and action of this Sub-committee on Select Education: That is, we entreat you to immediately authorize and commence a National Oversight Hearing on the issue of Least Restrictive Environment (LRE) and its impact on Free Appropriate Public Education (FAPE) for deaf and hard of hearing children.

In my testimony today I hope to present the need for this oversight hearing from the perspective of an alarmed national deaf community and a very deeply concerned community of professional educators of deaf children.

Justification for an Oversight Hearing

1. **Public Law 94-142: The Law is Not Being Implemented Properly With Deaf Children – Many Deaf Children Have Been Neglected. Sometimes to the Point of Actual Mental and Emotional Abuse**

Allow me to first emphasize some of the distinctions among levels of hearing loss.

> A deaf person is one whose hearing is disabled to an extent (usually 70 dB ISO or greater) that precludes the understanding of speech through the ear alone, with or without the use of a hearing aid.
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> A hard of hearing person is one whose hearing is disabled to an extent (usually 35–69 db ISO) that makes difficult, but does not preclude, the understanding of speech through the ear along, without or with a hearing aid.
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> ...[Children] with a loss of] 35–54 dB ... routinely do not require special class/school placement; they routinely do require special speech and hearing assistance.
>
> ...[Children with a loss of] 55–69 dB ... occasionally require special class/school placement; they routinely require special speech, hearing, and language assistance.
>
> ...[Children with a loss of] 70–89 dB ... routinely require special class/school placement; they also routinely require special speech, hearing, language, and educational assistance.
>
> [Children with a loss of] 90 dB and beyond] ... routinely require special class/school placement; they also routinely require special speech, hearing, language, and educational assistance.
>
> Moores, 1987 (p.9)

Hearing loss may occur at any age, from any one of many possible causes, including but not limited to heredity, the effects of aging, accident and injury, excessive environmental noise, toxicity, and a multitude of infectious diseases and viral assaults (Davis and Silverman, 1978). Deafness occurs at all socioeconomic levels. It can strike anyone, at any time, at any age. The effects of deafness may vary, depending on such factors as age at onset and degree of loss, cause, presence and extent of other conditions, medical prognosis, age at discovery of loss, quality of diagnostic and treatment intervention, family response, quality of education, and other relevant life variables (Levine, 1960; Moores, 1987).

The National Association of the Deaf believes that today the freedom of current and future generations of deaf Americans is at perilous risk because of increasingly ill-founded educational practices that are grievously injuring the minds and emotions of thousands of deaf children. These poor practices have grown over the past decade due to confusing, often misleading federal and state regulatory provisions and their implementation through state-level misinterpretations of a good and just law, Public Law 94-142, the Education of All Handicapped Children Act of 1975. Many deaf children have benefitted from this law, when it was properly applied according to professional best practices standards. However, there are many poor practices across the land today, where placement in public school is the sole goal in the child's school placement meeting and where Individualized

Education Program (IEP) planning is done by unqualified personnel or according to evaluations conducted by unqualified diagnosticians. We are convinced that these poor practices have resulted in severe neglect for many deaf children and in actual abuse for many more. This must stop.

> **Case 1:** A deaf mother, recently divorced, moved with her two deaf sons, ages ten and eleven years, to a major metropolitan area. The boys' deaf father stayed behind. Settled into a small, cramped apartment, the mother went to the local school and asked that the boys be referred for enrollment in the state residential school for deaf children because (1) for five years, both had attended a similar school in the state where they had formerly lived; (2) the native language and present primary mode of communication for both boys was American Sign Language, and this was also the mother's native language; (3) the nearest school program for deaf children was one hour away, which meant two hours per day on the school bus (which had no other deaf children on it); (4) the local school the boys were attending did not have teachers fluent in ASL; (5) the boys were exhibiting emotional difficulties, including oppositional behavior in the home and fighting at school, due to the divorce of the parents and the anxieties involved in the relocation of the family in a new, strange environment.
>
> The school refused to refer the children to the residential school for the deaf on the grounds that (1) the boys were "too smart". The boys and the parents were told "smart children did not attend the school for the deaf"; and (2) the local school "could meet their needs". During the meeting the mother advanced her own thoughts in favor of the residential school as the appropriate program for her children, but the written report of the multidisciplinary conference that came out later omitted any reference to her remarks and requests.
>
> Subsequently, both boys became truant. Over a three month period, they attended school for a total of only five days. Their fighting with other children increased, and oppositional behavior in the home became so extreme the mother asked the state to remove the boys from the home (which was refused). No counseling or psychological assistance was included in either one of the boy's IEP.
>
> Again the mother requested a multidisciplinary conference, and when the meeting was held she pleaded for referral of the boys to the state residential school for the deaf. Again local school authorities refused, this time stating openly "We don't believe in state schools for deaf children. They are anachronistic and have bars on the windows. They deal drugs and there are sex fiends there".
>
> As of today, this situation has not been remedied.

In this country we are raised with the Constitutional guarantee burned into our minds that Americans — not just some, but all — have a God given right in this nation to equality. In this spirit, this nation has long been committed to providing each child with the opportunity to obtain a truly meaningful education. And this means for every child without exception — for black as well as white children and children of other color, for poor as well as rich, for well-bodied as well as handicapped, and for deaf as well as hearing. We have made it entirely unacceptable for any child to be deprived of the opportunity of a meaningful education, no matter what economic excuse or philophical or methodological rationalization may be offered to mitigate any unwillingness to do so. As *Brown v. Board of Education* (347 U.S. 483) noted,

> It is doubtful that any child may be reasonably expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Yet, tragically, during the past 14 years thousands of deaf children have been denied this equality of educational opportunity because of inexcusable misinterpretations of the law that resulted in their being placed in educational settings highly inappropriate to their needs. Indeed, due to the unfortunate regulatory interpretations flowing from Public Law 94-142, the education of children with handicaps in our time has become, tragically, "A Tale of Two Cities." Most of us in the deaf community today, as well as many others from the general special education professional community, have weighed the evidence of outcomes of this nation's efforts at "educational mainstreaming" of children with handicaps these past 3 years — the so-called LRE Initiative — and are now throwing our hands as we are reminded of the Dickensonian lamentation:

> It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we hand nothing before us, we were all going direct to Heaven, we were all going the other way. . .
>
> Charles Dickens, *A Tale of Two Cities*, (1859, p.1)

Public Law 94-142 has proven to be one of the enigmas of our time — a marvelous law for the overwhelming majority of handicapped children, including many deaf children, but also a veritable chamber of horrors for many, many deaf children, for the parents of these children, for the professionals who serve them, and for deaf adults who have stood by helplessly, watching the light of these children in anguish.

> **Case 2:** Jane B. (not her real name) was 15 years old. She had been referred to the state residential school for deaf children recently by her local school district, which had previously refused to send her to the residential school because of the local special education coordinator's conviction that all handicapped children should be served in the local school system. The coordinator had recently resigned to take another position out of state.
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> During the admission process at the residential school, a review of Jane's school records revealed she had normal intelligence and no secondary disabilities. She had been born deaf to a farming family in a remote rural area of the state, the last child in a large family. Now all the other children had grown up and left the home, and only Jane was left with her middle-aged parents. Jane had attended regular public school classes all her life up to time of referral. She had always been a quiet child, but in recent years had become a source of serious concern to her family and to her school teachers because of social withdrawal behavior, extreme shyness, and increasingly frequent bouts of unexplained crying at home after returning from school at the end of the day. She had also been noted to be falling further and further behind her age peers in her school work. She had very poor speech skills, very limited language skills, did not read lips well, could use only the most basic signs, scored at only the second grade level in reading achievement, and had no friends outside her family. She had never participated in after school activities.
>
> Jane B. was accepted at the state residential school for the deaf and enrolled. However, because of her poor emotional adjustment and inadequate communication skills she continued to experience loneliness and social isolation. One Friday evening after she had been attending the residential school for the deaf for two weeks, she went home for the weekend. That Saturday night, the parents returned from shopping in town and the mother entered Jane's bedroom to check on her. Jane was found dead on her bed; it was determined that she had swallowed all of the pills in her mother's recently purchased bottle of sleeping pills. The overdose of pills had been fatal.

Promises of the Law

The nation's deaf community was buoyed by the promise of higher quality in deaf education when on November 29, 1975, the 94th Congress enacted Public Law 94-142, the "Education of All Handicapped Children Act of 1975" (20 USC 1401). Yet, with evergrowing dismay we witnessed the reality of the enactment of the law in this country after 1975 as it wrought grevious wrongs in the education of hearing impaired children in this country.

A. A Free, Appropriate Public Education for Each Handicapped Child

The Promise: In 1975 there was the promise of the law of an assured free and appropriate public education for all handicapped children (20 USC 1401). As a part of this promise, each and every handicapped child was assured an education which would emphasize special education and related services designed to meet his or her own unique, individualized education needs (34 Code of Federal Regulations Part 300, Subpart A, Sections 300.340-300.349), whatever these needs might be.

The Reality. Since 1975 many, many deaf children have in fact benefitted from the law. More deaf children than ever are being mainstreamed successfully. Yet, tragically, the emphasis for most deaf children under the law has not been on an appropriate education based upon individual needs. Rather, the overwhelming emphasis has been on placing all handicapped children, including deaf children, in the public school classroom closest to home (Bellamy, 1987; Commission on Education of the Deaf, 1988; Hardman, 1987; Robert Woods Johnson Foundation, 1988; Sailor, 1987; 34 CFR Part 300, Subpart A, Sections 300.550-300.556, 1983; Stewart, in press; Stewart, 1988). And this placement of handicapped children has increasingly and overwhelmingly been in classrooms taught by public school teachers who are unprepared to work with the special needs of many handicapped children (Haynes, Weintraub, and Hunter, 1987; Weiner, 1985).

B. Protected Rights of Handicapped Children and Their Parents.

The Promise. The law promised to assure the protection of the rights of handicapped children and the rights of their parents or guardians (20 USC 1401; 34 CFR 300). It promised the deaf child and the parents that their right to a free, appropriate public education (20 USC 1401), in the least restrictive environment commensurate (i.e., in keeping with) their individual needs (20 USC 1418), would be preserved and protected.

The Reality. Instead of regulation development aimed at guaranteeing handicapped children an appropriate education based on the child's unique needs, federal and state regulations were written to emphasize the placement of handicapped children, including deaf children, in a LRE (least restrictive environment) that was automatically defined by the regulators as "public school classroom" and nothing but "public school classroom" (see 34 CFR 300; Bellamy, 1987; Commission on Education of the Deaf, 1987; Hardman, 1987; Sailor, 1987; Stewart, 1987).

Ironically, the full text of Public Law 94-142 mentions "free appropriate public education" and related phrases no fewer than 35 times, whereas "least restrictive environment" is mentioned just one time and is not defined at all. Despite this, the meaning of LRE was subsequently defined through federal and state regulations to mean "the public school classroom," with all other settings, epso facto, "more restrictive" and hence less desirable. This completely arbitrary, regulatory-based interpretation of LRE, which the NAD feels is unprofessional, abusive to the constitutional and human rights of many deaf children, and in fact actually contrary to the law itself, has been emphasized to such a great extent by federal and state departments of education that the actual centerpieces of the law — free appropriate public education and protection of the rights of handicapped children and their parents — have been incomprehensibly and inexcusably neglected.

Although it is required by federal law (20 USC 1412), in fact there appears to be little conscientious state monitoring to assure that evaluation reports of deaf children for individualized education planning (IEP) purposes have been developed by specialists who are qualified to do so, as mandated by law (34 CFR Part 300, Subpart 3, Sections 300.530–300.543). As a result, individualized education programs (IEPs) that are developed from such evaluations frequently fail to address the critical needs of the deaf child — language development (Babbidge, 1967; Commission on Education of the Deaf, 1988; Kirk, 1962; Levine, 1960; Moores, 1987; Streng, Kretschmer & Kretschmer, 1978), communication skills development (Commission on Education of the Deaf, 1988; Davis & Silverman, 1978; Kirk, 1962; Moores, 1988; Schroedel, 1976, 1987), personal and social adjustment (Commission on Education of the Deaf, 1988; Foster, 1988; Foster & Brown, 1988; Kirk, 1962; Levine, 1960; Mindel & Vernon, 1971; Moores, 1987; Moores & Kluwin, 1986; Murphy & Newlon, 1987; Schlesinger & Meadow, 1972; Strong, 1989); after-school extracurricular activities involvement (Babbidge, 1967; Commission on Education of the Deaf, 1988; Foster, 1988; Moores, 1987), and the heart of individual development as a human being in today's world — family, neighborhood, and community participation and interaction (Commission on Education of the Deaf, 1988; Mindel & Vernon, 1971; Moores, 1987; Schroedel, 1987; Strong, 1989; Strong, Charlson, & Gold, 1987; Valett, 1977).

Many local public schools today, aided and encouraged by state departments of special education, tell parents the incredible myth that only "educational concerns" (i.e., academic instruction) of deaf children are to be considered in the IEP planning and school placement process! In a fashion diametrically opposed to knowledge from internationally acclaimed theorists and researchers in child development, educational, and clinical psychology, federal and state officials are indicating — incredibly — that none of the following are germane or central to the IEP planning process for deaf children: (1) issues of normal child development and growth (Doll, 1966; Freud, 1950; Gesell and Amatruda, 1947; Havighurst, 1953; Erikson, 1959, 1963); (2) general communication skills development in family and social contexts (Bolinger, 1972; Piaget, 1926; Weiss and Lillywhite, 1976); (3) the emotional and social needs of exceptional children (Kirk, 1962; Meier, 1978), and (4) the developmental, emotional, social and interpersonal communication needs unique to deaf children (Davis and Silverman, 1978; Kirk, 1962; Levine, 1960; Mindel and Vernon, 1972; Moores, 1987; Schlesinger and Meadow, 1972).

The evidence is that education departments in Washington, DC, and state capitals throughout the country, for the past decade and more, have pushed aside what was learned over the years since deaf education started in this country in 1817 in a single-minded effort to get all handicapped children — including deaf children — placed in public school classrooms. Hence, concern for the individual needs of deaf children over the past decade became increasingly conditional; that is, while individualized education was sought for these children in the public schools, it was only so long as that education took place in regular classrooms. As a result, enrollment in classes, day programs, and residential schools for deaf children plummeted during the period 1975 through 1986 (Schildroth, 1988; Stewart, 1988).

C. Assistance to the States and Localities

The Promise. States and localities were promised assistance in the provision of education for all handicapped children (20 USC 1401). Public Law 94-142 assured there would be assistance to everyone concerned in each state — to the child, to the parents, and to the school — in such ways and in such amounts that deaf children would be assured an appropriate education and related services designed to meet their unique, individual needs.

The Reality. Today, local school officials throughout the country are confused, disorganized, and in conflict over the processes to use and their own responsibilities in the education of deaf children (Haynes, Weintraub and Hunter, 1987; Stewart, 1988; Weiner, 1985).

Neither the U.S. Office of Education nor state departments of education have come up with guidelines to help large numbers of local school systems to deal constructively with the educational needs of deaf and other handicapped children in mainstream settings (Bellamy, 1987, Robert Woods Johnson Foundation, 1988; Stewart, 1988; Weiner, 1985). In the governmental misinterpretation of Public Law 94-142 and the ensuing bureaucratic stampede to get all handicapped children into regular classes, the most fundamental of basic concepts and principles in educating deaf children (Davis and Silverman, 1978; Kirk, 1962; Levine, 1960; Ling, 1976; Moores, 1987; Strong, Kretschmer, and Kretschmer, 1978) were ignored. Seemingly, federal and state education officials were interested only in increasing the statistics on the number of handicapped children enrolled in regular schools.

Administrators and staff from special classes, resource room programs, day schools, and state residential schools for deaf children are gravely concerned about the present and future of deaf children because of current misinterpretations of the law and the ensuing effects on deaf children as a result of inappropriate IEP planning and placement decisions (Foster, 1988, Moores and Kluwin, 1986; Moores, 1987; Schildroth, 1988; Stewart, 1988). These special educational provisions for deaf children suffered severe reductions in enrollment from 1975 to 1988 (for illustrations of this, see related enrollment data from April issues of *American Annals of the Deaf* for the years 1988, 1985, 1980, 1975, and 1970), primarily due to federal and state level LRE interpretations that left unknowledgeable local school personnel apprehensive about making referrals to any and all special programs and facilities.

During recent years state departments of education stepped up monitoring activities with residential and separate day schools and programs for deaf students and other handicapped children. More restrictive interpretations of the regulations governing local school referrals to special programs and classes were issued (Stewart, 1988; Weiner, 1985). Federal and state department of education officials today routinely make presentations in numerous professional and other public forums that are critical of, and sometimes even openly derogatory of, so-called "segregated" schools such as state residential schools for deaf children (Bellamy, 1987; Hardman, 1987; Sailor, 1987). Even strange allegations of "student recruitment" are made against residential schools by state departments of education, when in fact (a) there are no regulations prohibiting recruitment by schools for eligible students, (b) without any apparent censure from the state department of education, local schools (LEAs) sometimes violate regulations which require that the school inform parents of deaf children of the availability of all possible education options for deaf children (including special classes and schools), and (c) state departments of education remain silent when private academies, state schools such as the Illinois Math and Sciences Academy, and other special purpose schools routinely make student recruitment trips (Stewart, 1988).

Special education and even regular school education programs have been experiencing difficulties due to state department of education over-regulation of deaf education. Special programs and schools are being monitored more and more closely by state departments of education and increasingly pressured — sometimes subtly, sometimes not at all subtly — return deaf children to regular public school classes (Illinois Association of the Deaf, 1989; Stewart, 1988). Public schools are increasingly pressured to not refer deaf children to residential schools for the deaf or to regional programs based upon the rationale that "the home school should be able to serve all handicapped children." Local public schools are receiving the message that for the school to refer a deaf child to a state residential school or to other separate facilities or classes is to admit the public school has failed to serve the deaf child — which was to admit, in turn (they are told) they were in violation of PL 94-142 (Stewart, 1988).

D. Assessment of, and Assurance of, Efforts to Educate Handicapped Children.

The Promise. The law promised that the federal and state departments of education would assess education programs for deaf children for the purpose of assuring their effectiveness in educating these children (20 USC 1401).

The Reality. The National Association of the Deaf knows of no assessment activities under the state departments of education during the past 14 years since the passage of PL 94-142 designed to assess the effectiveness or outcomes of educational programs for deaf children. There is no evidence of even one official federal or state government report in these 14 years of any attempted or completed assessment of effectiveness of programs for deaf children anywhere in the United States (Illinois Association of the Deaf, 1989).

This lack of outcome assessments, we feel, is in itself a direct violation of Public Law 94-142 by the U.S. Office of Education and the state departments of education throughout the country. In this we are reminded of the words of Decimus Junius Juvenalis, or Juvenal (c.50 - c.130), who once observed, "But who is to guard the guards themselves?"

As part of Public Law 94-142 implementation, the state department of education within each state monitors special education programs for compliance purposes. Unfortunately, departmental efforts up to now have appeared to focus exclusively on procedural compliance. We note that the first and foremost concern of Public Law 94-142, and we are confident this Congressional Sub-committee will agree, is with assuring each handicapped student an appropriate education. Appropriateness, in turn, must be defined in terms of professional standards for programs and services that meet the individual child's educational and related needs. Therefore, the focus of assessment of program must be on both professional standards compliance and measurement of student benefits from education, or student achievements, or the outcomes of schooling for our nation's deaf children. In short, what impact are our programs for deaf children — mainstream, separate residential schools, special day schools, etc. — having on these children in school and after they have graduated?

Unfortunately, federal and state department of education officials have failed to comply with that part of the law that requires such assessments (Illinois Association of the Deaf, 1989; Stewart, 1988). What we have seen too often are state departments of education which criticize and repeatedly chastize residential schools for the deaf and other separate regional and day programs for the deaf over procedural compliance issues. Meanwhile, these monitoring agencies remaining silent about the accomplishments of many of these traditional, exemplary comprehensive programs and residential schools for deaf children.

The National Association of the Deaf wishes to note for the record of this panel hearing: Most of our organization's officers and board members are graduates of state residential schools for deaf children. We wish to note also with pride that among the world's deaf community leaders, there are many American deaf citizens who are graduates of state residential schools for deaf children and other special programs.

E. Involvement of Deaf Citizens, Parents of Deaf Children, and Educators and Deaf Children

The Promise. The law promised that federal and state departments of education would assure consultation with individuals involved in the education of deaf children, including deaf individuals and parents or guardians of deaf children (20 USC 1412).

The law also promised (see 20 USC 1406) that federal and state departments of education would make positive efforts to employ and advance in employment qualified handicapped individuals throughout all education programs assisted under Public Law 94-142 act. And, the law promised (see 20 USC 1413) a state advisory panel (to include individuals involved in and concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians, state and local education officials, and administrators of programs for handicapped children) to advise the state regarding unmet needs, comment publicly on proposed rules regarding education of handicapped children, and assist the state in developing and reporting data and evaluations as needed under the law.

We note, separately, Section 504 of the Rehabilitation act of 1973 mandates equal opportunity for employment of handicapped individuals in programs receiving federal assistance.

The Reality. The National Association of the Deaf is deeply disappointed, in fact dismayed and gravely concerned, over the clear and obvious lack of employment of representative numbers of deaf individuals throughout the entire system of education of deaf and other handicapped children in the United States. We wish to particularly note and bring to the attention of this Sub-committee the fact of the relative absence of deaf individuals in advisory, policy-making, and administrative capacities within the U.S. Office of Education and within State Departments of Special Education nationwide (Illinois Association of the Deaf, 1989; Stewart, 1988). This is a particularly embarassing, even shameful state of affairs, given the clear mandates of the law (Public Law 94-142; Section 504 of the Rehabilitation Act of 1973) for the involvement and empowerment of people with disabilities, the fact we are now 14 to 16 years into the implementation of these laws, and the number of deaf leaders qualified to fill such positions.

Equally shameful is the general absence of deaf individuals, parents and guardians of deaf children, and educators of deaf children on the state advisory panels for the education of handicapped children that are mandated under 20 USC 1413 (Illinois Association of the Deaf, 1989; Stewart, 1988). The National Association of the Deaf feels this glaring absence of representation from among the nation's deaf community accounts for many of the current abuses of the law in the education of deaf children. It is simply intolerable to us for this grave injustice to be allowed to continue any longer. Deaf children have been benignly neglected at best, and their future lives shattered at worst, through the effects of misguided, highly inappropriate regulatory activities and subsequent local level misinterpretations of these regulations with educational planning for deaf children, and it is time for this to change.

2. The Unique Educational Needs of Deaf Children

The educational and related language, communication, social, and cognitive developmental needs of deaf children are complex. Educational programs for meeting their needs must be varied and individually developed according to the needs of the child. Nothing is simple.

> Man's world is manifold, and his attitudes are manifold. What is manifold is often frightening because it is not neat and simple. Men prefer to forget how many possibilities are open to them.
>
> **Mundus vult decipi:** the world wants to be deceived. The truth is too complex and frightening; the taste for truth is an acquired taste that few acquire.
>
> Martin Buber (1790, p. 9)

Perhaps most difficult for the world to understand is the incredible complexity of educating deaf children who were born deaf in today's rapidly changing, communication-centered world.

> Language development, social growth, and the educational process are closely interdependent in the deaf child. The outcome of his educational and social adaptation is directly related to his language competence.
>
> Mindel and Vernon (1971, p. 39)

Forty years ago, long-time educator and friend of the deaf Harry Best dedicated his latest book on the education of deaf children in these words:

> To those bearing a grievous burden and
> The most misunderstood among the sons of men
> But the "gamest" of them all
>
> Best, 1948

Twenty years later, Homer Babbidge, President of the University of Connecticut who had been selected in 1965 by U.S. Secretary of Health, Education and Welfare Anthony Celebrezze to serve as chairman of a special advisory committee to study problems in the education of deaf children in the U.S., made the following comments about his selection:

> "Why me?"... I had no apparent qualification for the job. I had no personal or professional experience with deafness, or with [education of deaf children].
>
> As it turned out, this was precisely my qualification... they wanted someone who had not been directly involved — an outsider. I learned that the Advisory Committee was being convened at the request of Congress in an effort to sort out and appraise conflicting **expert** advice being given with regard to certain immediate problems in the field of education of the deaf... let me (take) you through a few of the steps by which I came to be educated, myself...
>
> ... I learned, for the first time, the profound nature of... deafness... Outsiders look upon deafness as simply one of a number of afflictions that are classified loosely as handicaps. They lump it with physical disabilities in general, and assume that one is as unfortunate as another. The experience of many lay citizens is limited to cases of gradual and partial loss of hearing that come on with age — the kind of deafness that bad jokes are made of. They would be appalled, as I was by the realization that the child born totally deaf — and otherwise normal — comes into a world with a burden of staggering proportions. The realization that to such a child the simple concept of language as a basis for communication is totally alien — and the recognition, at the same time, that self-fulfillment in our kind of world is so heavily dependent upon verbal communication — makes the heart go out to these youngsters as it cannot in the case of any other affliction. **Such deafness is, in my view, the most profound handicap a child can have.**
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> Our Advisory Committee learned that: "Language is the indispensable tool of learning acquired with little effort by the hearing child, but it is acquired only after great effort and determination by deaf children and their dedicated teachers"... "For a deaf child to learn to speak and to read speech on the lips and the expressions of others is a minor miracle..."
>
> ... I had not appreciated the extent to which "old fashioned deafness" — cases in which deafness was a single handicap — had given way to complex conditions in which deafness is only a part of a multiply handicapped child's problem. I hadn't appreciated that the very successes of modern medicine had brought us face to face with a growing population of such

> multiply handicapped youngsters. The complexities of modern deafness – its subtleties, its gradations, its nuances – have, for all but the most generous purposes, rendered the term "deafness" almost meaningless.
>
> Babbidge (1967, pp.6-7)

Schein and Delk (1974, p. 16) reported a prevalence rate of 873 per 100,000 for deafness of all ages and a rate of 100 per 100,000 population for prelingual deafness. Applying these rates very generally to today's estimated U.S. population of 220 million, we would anticipate approximately 1,920,600 deaf individuals of all ages and 220,000 individuals who had been born deaf or become deaf before the formation of verbal language (prelingual).

As of October 1, 1987 there were 45,586 deaf children enrolled in the 881 schools and classes for deaf children in the United States that responded to the Gallaudet University Annual Survey of Hearing Impaired Children and Youtn (*American Annals of the Deaf*, April, 1988, p. 132). These programs consisted of 52 public residential schools, 9 private residential schools, 43 public day schools, 7 private day schools, 214 public day classes (full-time), 44 public day classes (part-time), 8 private day classes, and 79 facilities for other handicapped children. The deaf students represented here make up approximately 60 to 70 percent of all deaf children served by our nation's schools (Schildroth, 1988).

Between 1978-79 and 1984-85, 60 public residential schools reported a 22.5 percent drop in enrollment, while during this time day school enrollment of deaf students fell 18 percent (Schildroth, 1988, p. 62). Schildroth also noted that for approximately the same period ". . . the number of students reported by local school districts to the survey increased from 24,700 in 1977-78 to 28,653 in 1985-86, a jump of 16 percent" (p. 62). This investigator noted further:

> Annual survey data contain another indication of this shift in the enrollment patterns of hearing-impaired children and youth, a shift undoubtedly influenced by PL 94-142 and the changing philosophical and educational climate created by that law within the last decade. Despite the overall decrease in the number of hearing impaired students receiving special educational services, the number of individual local schools or programs reporting these students to the Annual Survey increased dramatically, from 4,401 in 1977-78 to 8,428 in 1985-86.
>
> Schildroth (1988, p. 62)

The Office of Special Education and Rehabilitation services (OSERS), within the U.S. Office of Education, in recent years has utilized enrollment figures as indices of success and failure in implementing Public Law 94-142. In short, the higher the number of handicapped children in public schools and the lower the number in "separate" classes, programs, and schools, the greater the success of implementation of the law (Bellamy, 1987; Illinois State Board of Education, 1988). Sadly, however, Schildroth (1988, p. 62) noted that in 1986, 4,412 schools **had only one deaf student enrolled in the entire school**, 1,372 **had only two deaf students enrolled**, and 628 **had only 3 deaf students enrolled**. An additional 2,016 schools **had four or more deaf students enrolled in the entire school**. The implications of these figures are revealed in what has been written concerning the language and social needs of deaf children.

Problems in Educating Deaf Children

Language, Communication, Social Participation

The fundamental problems in educating deaf children are found essentially in the areas of language, communication, and social participation (Commission on Education of the Deaf, 1988; Kirk, 1962; Levine, 1960; Mindel and Vernon, 1971; Moores, 1987; Schlesinger and Meadow, 1972). In order to grasp the critical role of language development for deaf children, one must first grasp its importance for children with normal hearing.

> The understanding and use of speech and language are generally agreed to be the most complex and important of all human behaviors. They are learned behaviors that are routinely taught by parents, grandparents, siblings, teachers, and other persons who interact with young children . . . Most people are born with the potential to learn speech and language, but unless appropriate and sufficient stimulation is provided, normal communication may never occur.
>
> The development and use of effective communication is one of the most important human behaviors. Although the human organism can live without hearing, language, or speech, satisfactory human relationships cannot develop without efficient communication.
>
> Weiss and Lillywhite (1976, pp. v, 1)

In discussing the critical role of constant language input and interaction for all infants and children, Bolinger (1972) wrote:

> Children do not depend on a particular culture but fit themselves to the one into which they are born, and that culture in turn is maintaining itself in a not always friendly universe. Whatever success it has is largely due to the understanding and cooperation that language makes possible.
>
> Another reason for early beginning and a gradual growth is permeation. . . . Other activities are self contained. That of language penetrates them and almost never stops. It must be developed not separately, like walking, but as a part of whatever we do. So it must be on hand from the start. (pp. 4-5)

Dr. Edna Levine, internationally acclaimed psychologist in the area of hearing impairment, wrote:

> In the light of the values of hearing, it comes as no surprise to find that impaired hearing can constitute a violent blow to man's psychic structure. Its effects cover the entire range of reaction and disturbance. . .
>
> Of them all, early severe deafness – especially when congenital – is the most unique. . . To be born without the ability to hear is to be born without the natural ability to acquire verbal language; and without verbal language, normal human development is blocked. . .
>
> For one born deaf, the task ahead is to become a part of life without ever having the sound patterns of living. The problems of the deaf are the products of this distinctive environmental experience.
>
> Not to hear the voice is not to hear spoken language. Not to hear spoken language means that a preverbal child will remain in complete ignorance of this basic verbal tool for human communication and communion unless extraordinary measures are taken to teach him that

> there are such things as words, what words are for, how sounds are combined to form spoken words, how words are combined to form connected language, and how verbal language is applied not only to objects, people, activities, and the like but to all aspects of living, feeling, thinking, and reasoning. **Without such highly technical instruction** the profoundly deaf child would be doomed to go through life a completely nonverbal being, unable to enter into any verbal communication with others, any verbal deliberation with himself, nor make any significant contact with the knowledge, customs, culture, and climate of the civilization into which he was born. (emphasis added)
>
> Levine (1960, pp. 27-29)

Pioneer special educator Dr. Samuel B. Kirk (1962), in writing about the education of deaf children, noted:

> Because he never hears speech, he does not normally acquire language or the subtleties of meaning which are more readily acquired through the sense of hearing. The important factor to remember in educating deaf children is that their major deficiency is not so much lack of hearing as inability to develop speech and language through the sense of hearing. Their education, therefore, is probably the most technical area in the whole field of special education; it requires more specialized training on the part of the teacher than any other form of education. (p. 167)

Thomas Edison supposedly once parried a question from a skeptic who questioned what good one of his inventions was by asking back, "What good is a baby?" Decades later, Bolinger (1972), in telling this story, commented about language and the hearing child:

> "Acquiring (the skill of verbal communication) requirs the mastery of a system that takes literally years to learn. An early start is essential, and it cannot be in the womb. Practice must go on in the open air where sounds are freely transmitted, **for language is sound.** And if language is to be socially effective, it cannot be acquired within a month or two of birth when the environment is limited to parents and crib, but must continue to grow as the child becomes stronger and widens his contacts. . . So we might answer Edison's question by saying that a baby is good for learning language (emphasis added). (p. 4)

The reality is that hearing and language are critical elements in human development and interaction. Remembering the severe challenge to parents and educators presented by children having congenital deafness, it is staggering to realize that approximately 95 percent of deaf children today are born deaf or become deaf prior to the establishment of normal language patterns. To further confound things, 90 percent of deaf children have parents with normal hearing, most of whom are unprepared by training or experience for helping the child to develop language (Commission on Education of the Deaf, 1988; Moores, 1987).

Personal Social development and Adjustment and Employment

Early childhood deafness presents severe challenges in the process of developing a personal identity, in emotional adjustment, in social participation in school and throughout life, and in adulthood employment (Commission on Education of the Deaf, 1988; Foster, 1988 October, 1988; Foster and Brown, 1988; Kirk, 1962; Levine, 1960; MacLeod-Gallinger, 1987; Mindel and Vernon, 1971; Moores, 1987 Fall; Moores, 1987; Murphy and Newlon, 1987; Rawlings, Karchmer, King, and Brown, 1985; Rister, 1975; Rodda, 1987; Rosen, 1980; **Rowley v. The Board of Education,** 1982; Schein and Delk, 1974; Schildroth and Karchmer, 1986; Schlesinger and Meadow, 1972; Schroedel, 1976, 1987; Strong, 1989; Strong, Charlson, and Gold, 1987; United States Department of Labor, 1974 March; United States Court, Middle District of Louisiana, 1988 October 21; Valett 1977).

Schesinger and Meadow (1972) have observed:

> . . . cognitive retardation and psychological maladaptation remain frequent among deaf children and adults. The core of these difficulties may lie in the absence of gratifying reciprocal communication within the family during the deaf child's early years. As the deaf child grows and develops, problems related to this diminution of communication show a cumulative increase. (p. 2)

Eugene Mindel, a child psychiatrist, and Mccay Vernon, a psychologist, both specializing in the area of deafness, wrote of the deaf child:

> A more profound progressive isolation from the hearing world begins at the point where the child (normally would) begin to depend upon auditory stimulation for the development of language and general knowledge. . .
>
> As the deaf child matures and he recognizes that oral conversation and reading are the chief modes of communication and learning, his sense of isolation increases. . .
>
> Isolation from others is perhaps one of man's greatest concerns. No one can exist in a vacuum. Our capacity to communicate meaningfully with others in inextricably tied to our capacities for survival. A diminished capacity renders one compromised; a non-existent capacity to communicate renders one impotent.
>
> Mindel and Vernon (1971, pp. 18-19)

Socialization with other deaf children is crucial to the deaf child in the school for healthy self concept development purposes, self esteem enhancement, role identification purposes, and communication interaction. Association with deaf adults — classroom teachers, counselors, P.E. teachers, Schouts, etc. — is also crucial for role modeling and self esteem development purposes (Levine, 1960; Mindel and Vernon, 1971; Moores, 1987; Strong, 1989).

The first school for deaf children was founded in 1817 at what is now the American School for the deaf in Hartford, Connecticut. Since then, a variety of educational options for deaf children has evolved. These options today include regular classroom placement within public and private schools, regular classroom attendance with itinerant program support, regular classroom attendance with resource room support, day classes in public schools, day schools separate from public schools, residential schools for deaf children (both public and private), and special purpose facilities (hospitals, schools for behaviorally disordered deaf, etc.) (Moores, 1987). The majority of deaf youth today attend public schools, either in fully or partly mainstreamed classes or in day schools adjacent to public schools as well as in special classes located in public schools. Typically, only approximately 10 to 15 percent of deaf children in any one state attend residential schools (Schildroth, 1988); in contrast, during the 1950's almost three-fourth of school-age deaf children attended state residential schools for deaf children (Kirk, 1962, p. 175).

Communication methods and support assistance available for use with deaf children in educational settings include American Sign Language, auditory training, use of individual and group hearing amplification, cued speech, speechreading (lipreading), speech training and speech therapy, Signed English, and a variety of related manual communication methods. Sign language in its various forms is crucial in the education of most deaf children, either as the primary mode of communication for most children or as a supplement to speechreading and amplified hearing for many (Levine, 1960; Moores, 1987; Strong, 1989).

Outcomes of Education for Handicapped Children and Deaf Children

The Robert Wood Johnson Foundation Study. "Federal Law Guaranteeing Handicapped Children a Free and Appropriate Public Education Successful in Transforming Local School Programs," in *Serving Handicapped Children: A Special Report* (1988), a report from the Robert Woods Johnson Foundation of Princeton, New Jersey, presents a summary of a five-and-a-half year collaborative study of children with special needs that was started in 1982 as a "progress report on Public Law 94-142." The study population consisted of over 2,000 handicapped children in five metropolitan school districts: the Milwaukee Public Schools, the Houston Independent School District, the Charlotte-Mecklinburg Schools, the Santa Clara County (CA) Office of Education, and the Rochester (NY) City School District. The study included reviews of school records, interviews with parents, and interviews with teachers of half of the students. The $1.9 million study was directed by John A. Butler and Judith S. Palfrey from The Children's Hospital Medical Center, Boston.

> Prior to presenting its findings, the study report examined the purposes of Public Law 94-142 and noted: Programmatically, the schools are asked to undertake a substantial responsibility for the developmental welfare of handicapped children. They must (1) identify all handicapped children and offer them educational services, (2) assess each handicapped child individually and formulate a written Individualized Education Program (IEP), (3) ensure that handicapped students are placed in the "least restrictive environment" commensurate with their needs, (4) notify parents in writing about identification, evaluation, and school placement of their child and establish grievance procedures for parents wishing to contest a district decision, and (5) provide those "related services" required for children to benefit from special education.
>
> Robert Woods Johnson Foundation (1988, p.4)

The report noted further (p. 5) that:

> The extent to which the mandate is being met nationwide is documented in part in Annual Reports to the Congress prepared by the U.S. Department of Education, Office of Special Education and Rehabilitative Services.
>
> The Department of Education reports . . . (however) tell little about the classroom environments for special education students, or the needs of the handicapped children enrolled. Furthermore, policymakers, educators, health practitioners, and parents have had little data to determine whether P.L. 94-142 is, in fact, improving the lives of handicapped children or to document its effects on their families and non-handicapped peers.

The rationale for the study was therefore based on this need to collect qualitative information on the impact of Public Law 94-142 on handicapped children. The study reported many very positive results from the implementation of Public Law 94-142 in the five metropolitan areas that were studied. Among these were:

> — the procedural guarantees of the law are now securely in place — parents are satisfied with the services their disabled children receive — schools are willing to serve as therapeutic agents — schools are committed to the principal of serving disabled children in "the least restrictive environment" — the vast majority of special education students are "in the mainstream, attending regular schools and spending at least part of the day with a regular class — generally parents are pleased with their children's school program and the services they receive, and the teachers are positive about the students' academic progress and social adjustment."
>
> Robert Woods Johnson Foundation (1988, pp. 3-4)

The applicability of these findings with deaf and hard of hearing can at best be considered very general in light of the extremely small number of such children included in the study population. The 2,000 handicapped children sample included a very large number of children in the two separate categories of (a) speech and language disability, and (b) learning disability. In fact, the percentage of children in these categories among the five cities ranged from 64.0% (Rochester) to 92.0% (Santa Clara). Other moderately sized categories, in progressively smaller percentages, were emotional/bahavioral disorder, mental retardation, and physical handicaps. Hearing impaired children, comprised of both deaf and hard of hearing children, constituted only 1.74% of the total study sample of over 2,000 handicapped children selected from among handicapped children attending school in these five large metropolitan areas. Among these handicapped children, the percentages of hearing impaired children were .9% in Charlotte-Mecklinburg, 1.3% in Houston, 1.9% in Santa Clara, 2.0 in Milwaukee, and 2.6%.

While very small in terms of the number needed for validity and reliability purposes, these percentages appear to be consistent with the expected proportion of hearing impaired children among handicapped children in public schools today. For example, among all schools in Illinois for the 1986-87 school year, deaf and hard of hearing children comprised slightly less than 2 percent of the 241,593 handicapped children served in the state. In contrast, the two separate categories of learning disability and speech & language impairment, were reported to include 72 percent of the handicapped students served. Along these same lines, California as of December 1988 reported that deaf and hard of hearing children constituted 1.7 percent of the total of 432,562 handicapped children served by schools, whereas specific learning disability were reported for 56 percent of these children and speech impairment was reported for 25.69 percent.

Deaf Children: A Low Incidence Population

Thus, we need to recognize that deaf and hard of hearing children, although a significant group in terms of total numbers within each state and nationally, actually constitute a "low incidence", extremely small minority among all handicapped children being served through Public Law 94-142 throughout the nation today. This must be kept in mind when generalizations are drawn from large-scale studies of handicapped children. The implications and ramifications of the results of broad studies of handicapped children such as the Robert Woods Johnson Institute Study may or may not have relevance in evaluating the impact of P.L. 94-142 for small minority groups such as deaf children and blind children.

Findings reported by Foster (1988), Foster and Brown (1988), Moores and Kluwin (1986), and Strong, Charlson, and Gold (1987) indicate that, generally, mainstreamed deaf students performed more strongly academically than did state residential school students, whereas the latter had better social adjustment patterns. It must be kept in mind, however, that such comparisons are of limited validity in identifying cause-effect relationships. Individual differences among deaf students are great. Theoretically, selection factors under today's federal and state regulations would leave a greater proportion of stronger students in mainstream schools and a lesser proportion in "special programs". Conversely, a higher proportion of the weaker students would be found in special programs due to selection factors, and a lesser proportion would be found in mainstream schools. If this is accurate, it would indicate that program quality factors are not the determining variables in accounting for the superior performance of deaf students in public mainstreamed classes. It should also be borne in mind that special programs are increasingly relied upon to accept and serve those deaf students having additional handicaps (deaf students with impaired language and/or serious communication deficits, deaf students with learning disabilities, and other multiply handicapped deaf students). This, too, skews the distribution curve of strong and weak students enrolled in a given education program for deaf children.

A Major Outcome Measure: Employment

We have no large scale database or current means of measurement to assess the effectiveness of the various educational options for deaf students in terms of the crucial variable of post-school employment outcomes. A current longitudinal study through the National Technical Institute for the Deaf (MacLeod-Gallinger, 1987) is accumulating such a database, but current results are inconclusive. There appears to have been no national study of the employment of deaf adults for the past 15 years or more. Consequently, our great ship of state is rudderless today in assessing the long-range efficacy of the new mainstream educational philosophy and methodology that has evolved since the passage of Public Law 94-142 in 1975.

This is not true of pre-1975 education of deaf students. In fact, the evidence from past schooling of deaf children and youth has been impressive. Specifically, in 1972, 97.1 percent of white deaf males were employed, a rate superior to that for white hearing males in 1974 (95.1 percent) and the general white disabled male work force in 1981 (37.5 percent) (see Bowe, 1983; Schein and Delk, 1974; U.S. Department of Labor, March 1974).

Similarly, a October 1984 follow-up of 2,669 Gallaudet University graduates and drop outs from the years 1944 – 1981 revealed the following:

- 95 percent of the male graduates were in the labor force, and of these 97 percent were employed.
- 85 percent of the female graduates were in the labor force, and of these 95 percent were employed.
- 91 percent of the non-graduate males were in the labor forces, and of these 95 percent were employed.
- 73 percent of the non-graduate females were in the labor market, and among these 95% were employed.

Thus, the data available reflects well on pre-1975 education of deaf children and youths.

In the midst of the current lack of critically important program outcome information, the U.S. Office of Education and state departments of education, in their zest for full mainstreaming, are nonetheless proceeding fullsteam ahead in implementing regulations and educational program monitoring procedures that have already created massive and ever-growing barriers for deaf children in accessing special, non-regular classroom schooling (residential schools for the deaf, day schools for the deaf, special classes for the deaf, and even special support services for deaf students).

ACTION REQUESTED

To correct the current wrongs in deaf education and to make the promises of P.L. 94-142 a reality in this country, we ask for the following assistance of the Sub-Committee on Select Education in order to identify needed reforms:

> A National Oversight Hearing on the issue of Least Restrictive Environment (LRE) and its impact on a Free Appropriate Education for deaf and hard of hearing children.

We anticipate that the results of this oversight hearing will produce substantial support for the following changes in the office of Special Education and Rehabilitation Services and state departments of education throughout the country:

1. Assurance of protection of the rights of deaf children and their parents through correct implementation of P.L. 94-142, Section 504 of the Rehabilitation Act of 1973, and other relevant Federal laws and regulations.

2. Less interference and more supportive assistance to school programs of all kinds for deaf children from the Office of Special Education and Rehabilitative Services.

3. Immediate initiation of a valid and appropriate program of assessment of all educational program options for deaf children as required by P.L. 94-142.

4. The inclusion of qualified deaf professionals, other deaf citizens, and parents of deaf children, as appropriate, at all levels of policy-making, administrative, and operational levels throughout the Federal and state government educational systems (as members of boards, advisory councils, administrative units, etc.) as required by current law (Public Law 94-142).

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TESTIMONY

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The Misapplication of the Least Restrictive Environment Standard, Its Consequences for Deaf Children and Possible Remedies

I. INTRODUCTION

In February 1988, as national attention was directed to demonstrations at Gallaudet University and the subsequent selection of a deaf man to be its president, the Commission on Education of the Deaf [COED] issued *Toward Equality: Education of the Deaf* to the President and Congress of the United States. It was the first comprehensive assessment of the education of the deaf since the Babbidge Committee Report of 1965. The COED, which was comprised of the leading authorities on deaf education in the United States, stated unequivocally that:

> The present status of education for persons who are deaf in the United States, is unsatisfactory. Unacceptably so.

Toward Equality, Education of the Deaf. A Report to the President and the Congress of the United States, The Commission on Education of the Deaf (February 1988), viii.

Although the major federal legislation affecting deaf (and other handicapped) children, the Education for All Handicapped Children's Act (PL 94-142) [ACT], has been in place since 1975, the Commission found that "many children who are deaf are not receiving special educational and related services appropriate to their unique needs." *Id.* at 20.

The ACT requires that handicapped children be educated in the "Least Restrictive Environment" [LRE], popularly but mistakenly referred to as "mainstreaming." It is the misinterpretation of that mandate that has most affected deaf children:

> The Commission received more input regarding LRE than on any other issue. Parents, deaf consumers, and professional personnel of all persuasions have, with almost total unanimity, cited LRE as the issue that **most thwarts** their attempts to provide an appropriate education for children who are deaf.

Id. at 25 (emphasis added)

The irony here cannot be overstated. The mainstreaming spirit of the ACT is laudable and undeniably applicable to many children protected by the legislation. As the COED noted, however, mainstreaming has had a deleterious impact on many deaf children. Deafness is a low incidence and communication handicap which dramatically separates the hearing and deaf worlds. More than anything, deafness means isolation, and since mainstreaming and other inappropriate placements mean social, linguistic, and intellectual isolation, they are intrinsically inappropriate for many deaf children.

Parent after parent testified before the COED that inappropriate placement meant separation, inadequate peer opportunities, and language barriers for their children.

The COED concluded that:

> The least restrictive environment concept has not been appropriately applied by federal, state, and local education agencies for many children who are deaf. . . . LRE has been misinterpreted as requiring "local program" as taking precedence over appropriateness. . . . Testimony and written statements to us showed LRE is being used as justification for placing children who are deaf in local programs even when they do not meet educational needs.

Toward Equality, 24, 30.

Two months after the COED report was issued, a federal judge concluded that the problems facing hearing-impaired people in this country are of "epidemic" proportion. *Visco by Visco v. School District of Pittsburgh*, 684 F. Supp. 1310, 1314. Not surprisingly the judge concluded that the benefits of mainstreaming for deaf children have been "placed in serious doubt." *Id.* at 1315.

Something is inherently wrong when a process designed to protect handicapped children and enhance their educational opportunities, is in reality applied blindly and results in the denial of the very opportunities the ACT envisioned. While mainstreaming was intended to foster self-esteem and intellectual, emotional and social growth, it has meant, for many deaf children, quite the opposite experience. As Judge Rosenberg stated in *Visco, unknowing "educational mainsteaming defeats the very purpose for which mainstreaming was conceived" and "is foolishness mistaken for wisdom."* *Id.* at 1316 (emphasis added).

Deaf children do not seek to affect, in any way, the wonderful gains made by handicapped children who rightfully should be mainstreamed. They seek instead clear assurances that the LRE concept is appropriately applied and that the recommendations of the COED by fully and immediately implemented.

II. THE PROBLEM

A. Deafness is Primarily a Communication "Handicap."

Virtually everything an individual does or a society accomplishes has, at its foundation, communicative conduct. Society exists, as John Dewey wrote, in and through communication. John Dewey, *Philosophy and Civilization* (1931), 87.

Although the basic deprivation of deafness is sound deprivation, the consequences are global and result in a deprivation of language and communication. Karen Meadow, *Deafness and Child Development* (1980), 17. Not surprisingly Hellen Keller considered her deafness the more exclusionary condition:

> The problems of deafness are deeper and more complex, if not more important, than those of blindness. Deafness is a much worse misfortune for it means the loss of the most vital stimulus — the sound of the voice that brings language, sets thoughts astir and keeps us in the intellectual company of man.

Hellen Keller, *Hellen Keller in Scotland* (1933), 68.

While all hearing human beings are capable of learning other languages, deaf individuals (especially the profoundly deaf) cannot learn to hear. Conversely, while hearing individuals can learn to use the language of the deaf, e.g., sign language, much of the hearing world does not sign and is; therefore, cut-off from and to the deaf.

In addition deafness, especially severe and profound deafness is a low incidence handicap. Less than 5% of the general population has a severe to profound hearing loss. Shein and Delk, *The Deaf Population of the United States* (1971). The more severe the hearing loss, the more likely that the individual will rely on some form of visual language (sign language).

The educational consequences of deafness are; therefore, significant and unique: the low incidence of deafness makes it difficult to group children according to their age, language and cognitive levels, while the "communicative" nature of the "handicap" is inherently isolating. It is not surprising that by 1986 52% of the schools with hearing impaired children had only one such child in the placement. Twenty-four percent of the schools had a total of only 2-3 hearing impaired children. Arthur Schildroth, "Recent Changes in the Educational Placement of Deaf Students," *American Annals of the Deaf*, April 1988, 61, 62.

The confusion over LRE is complicated because many educators assume mainstreaming and LRE are synonymous. They are not. Because of the low incidence of deafness, special classes are also comprised of children with widely divergent age, language, and cognitive ranges. *Towared Equality*, 29, 31.

Misplacement of deaf children also involves "cross categorical" groupings of students with different disabilities. *Toward Equality*, 29. It is this author's experience that deaf children are frequently placed in communicatively handicapped classes, where most of the children are not deaf, do not use sign language and have only one thing in common with the deaf child: enrollment in a class called "communicatively handicapped." The communication barrier between the deaf child and the rest of the class is as formidable as it might be in any other class where the children use a different language mode.

Deaf children, like any other children, need to be in classrooms where they can relate directly to their peers and teachers, where they have direct access to the communication around them, where there are sufficient numbers of peers from which to choose schoolmates. The forced application of mainstreaming runs directly counter to the purposes of the ACT and denies access to those essential components of an education.

B. The LRE Mandate is Being Systematically Misapplied by Federal, State, and Local Educational Agencies.

The confusion over the LRE requirement, its misapplication to deaf children, and the consequences of that misapplication are well-documented. The COED received "voluminous" testimony on LRE, "more input" than on any other issue affecting deaf education. *Toward Equality*, 25, 26. Not surprisingly the COED concluded:

1. The [Federal] Department of Education's proclamation that LRE is "the core value" has lead to a great deal of confusion and misinterpretation about the primary provision of appropriate education.
2. In some cases presented to us, children who are deaf with ages ranging from 6 to 15 for example, have been placed together in a single class because the school district interpreted LRE as requiring such.
3. Placing a child in a regular classroom without the language needed to function as a participant seriously impedes, if not precludes, the child from receiving any worthwhile education in the class, even with the use of supplementary aids and services (e.g., an interpreter).
4. In the regular settings major communication barriers exist.

Toward Equality, 26, 31, 33, 34.

The Federal Department of Education has communicated to state and local programs, through compliance reviews, monitoring, and manuals, its emphasis on LRE and has turned a congressional "preference" into a departmental mandate. The COED repeatedly referred to the Federal Department of Education's focus "on LRE as the primary value on which the education of the handicapped must be based." *Toward Equality*, 26, *see also*, 27-29.

As noted, enrollment figures reflect the indiscriminate move toward generic mainstreaming of deaf children. In 1978, 62% of the schools with hearing impaired children had only 1-3 such children. By 1986, the figure had risen to 76%. The percentage of schools with only 1 hearing impaired child went from 41% in 1978 to 52% in 1986. Conversely the number of schools with 4 or more hearing impaired children went from 38% in 1978 to 24% in 1986. "Recent Changes in the Educational Placement of Deaf Students," *supra*, 62.

Not surprisingly, enrollment in state schools (where there is the widest population base and where there are greater opportunities for linguistic and social development) has decreased by 18% between 1974 and 1984. Donald Moores, *Educating the Deaf* (1986), 20.

The Federal Department of Education's position on LRE has taken root throughout the country. The California Department of Education, for example, has issued a report on LRE which provides, *inter alia*, the following:

1. There is a recognizable movement toward the integration of students with severe handicaps onto regular education campuses and away from separate facilities designed only for students with handicaps. (10)
2. Many of the barriers the task force identified would be drastically reduced if there were system-wide integration efforts on behalf of very young children. (11)
3. It is recommended that the SDE [State Department of Education] immediately disseminate information on the financial advantages of utilizing AB 4074 (Ed. Code 56828/29) to transfer students with severe handicaps to their home districts from provider districts and/or county programs. (19)

"The Report of the Least Restrictive Environment Task Force," California Department of Education, Division of Special Education (September 1988). The consequences of this philosophy are wide-spread:

> With the State's enforcement of the Least Restrictive Environment Policy, our Division has experienced a dramatic transition from self-contained schools to self-contained classes on district sites. This transition will continue until most, if not all, of our classes are housed on regular school campuses.

Memo of San Mateo County Office of Education, December 12, 1988, a copy attached.

The confusion about LRE is reflected in divergent state laws and rules. In California for example, the legislature has enacted a law that requires that placement in a residential school for the deaf, blind, or neurologically handicapped be made only after an IEP team determines there is "no appropriate placement" available in the local plan area. Cal. Ed. Code section 56367. This creates an enormous burden on parents, who often see residential and other center schools as the only appropriate program for their children.

The "voluminous" testimony of parents and educators received by COED reveals most clearly the adverse impact of LRE on deaf children. John W Balk, Director of Multi-District Hearing Impaired Programs for Blue Springs, Missouri testified about the problems created by "generic" mainstreaming policies:

> I represent mainstream programming for hearing impaired children. Specifically, I direct a program that coordinates services for hearing impaired children in 20 school districts in the west-central and northwest part of Missouri.
>
> Whether this unfortunate situation [generic mainstreaming] is the result of over-sight, misinformation or misdirection on the part of regulatory agencies whose espoused mission is the well-being of handicapped children, it stands as the most pressing problem in the field of education of the hearing impaired today and a shocking indictment of the radical fervor to treat handicapped children as generic commodities rather than individual persons as legislation has specified and common sense and decency would dictate.

Consider these statistics:

> Currently in the state of Missouri there are 545 school districts. Of this 545, 56 districts (10%) operate programs for the hearing impaired . . . of these 56 programs, only 2 (3%) have professionals in direct supervisory positions with appropriate credentials and knowledge. . . a staggering 49% of the hearing impaired programs in the state of Missouri operate without a certified teacher of the deaf . . .

Testimony of John W. Balk before the COED, July 1, 1987, pp 1-5 of written testimony.

Marilyn Cassidy and Sandy Harvey, both hearing mothers of deaf children described what mainstreaming meant for them and their children:

> We found that mainstream meant separated from the deaf community which most gives meaning to our children's lives and identities. Apparently there are not deaf people "in the mainstream." Certainly no deaf adults. At least, when our kids were there "in the mainstream" they didn't see any.
>
> We found that "peers" meant whatever other deaf kids happened to live within the district boundaries. That might be six or seven kids, ranging in age from three to seventeen. Ranging in ability from the dull to the gifted. Those were their peers, their only peers. . .

Written testimony of Marilyn Cassidy and Sandy Harvey, before the Commission, March 18, 1987, p 5.

Nancy Binder, a hearing mother of a 9 year old deaf child, who was first placed in a regular educational program and only after a two year "nightmare" was placed at the Pennsylvania School for the Deaf, wrote to the Commission:

> Least restrictive environment is different for each child. While mainstreaming can work very well for many handicapped children, the communication barrier imposed by deafness tends to isolate these children from the rest of the school population. I've heard hearing-impaired students talk about walking down the hallway and having many students signing "hi" to them in a friendly way. But, unfortunately, this was the only sign that many of the students knew, so no real communication ever took place.
>
> . . . many of the problems encountered by hearing-impaired students are partially impossible to eliminate. Many times the rest of the school staff and student body are inadequately prepared for the influx of deaf students. While sometimes sign language classes may be offered to staff and students, very few of them get farther than the most beginner's level.

> The deaf kids spend most of their day in a contained classroom with a handful of other hearing-impaired kids and a teacher of the deaf. At lunch time they also tend to sit at the same lunch table. For the few classes into which they are "mainstreamed" they are totally dependent upon the interpreter who accompanies them.
>
> At the [the Pennsylvania School for the Deaf] my son Danny is just "one of the gang" — instead of being "different." Because of the center school environment, he has a very positive self-image. He has the opportunity to be a leader and *can communicate with virtually everyone on campus* including maintenance and janitorial staff . . . he has excellent role models.

Lawrence J. Brick, a deaf man and psychologist who has worked with deaf children for 25 years, and the father of a deaf child, testified about mainstreaming:

> Because of the communication barriers their choice of peers is often limited. They must screen out those peers whom cannot lip read. That leaves those hearing peers who are lip readable. Now the peers must be further screened to those who are willing to be patient with them and repeat or talk slowly. Then there are other screening processes that need to take place and they vary with each mainstreamed deaf child: is he willing to learn sign language? Will he repeat what the others are saying? Does he like small groups or is he the kind of person that likes large groups? And so forth. By the time the screening process is complete, his choices become very limited. If he's fortunate to find a few who meet his criteria, then he may become possessive of such peers by constantly seeking them out and/or monopolizing the conversation so that he doesn't have to struggle to understand. This is not a normal way to choose or make friends. Friends are chosen because of similar interests, values, goals, activities, culture, etc. . . Without the communication barrier, the deaf child can choose whom to accept or reject. The deaf child in the mainstreamed environment often has very limited choice of peers with whom he can develop meaningful relationships. . . Some such children often become withdrawn.

It is not surprising that over 80% of parents of deaf children prefer placement in a residential school. James M. Salem & Barry P. Fell, "The Impact of PL 94-142 on Residential Schools for the Deaf: A Follow-Up to the 1977 Survey," *American Annals of the Deaf*, April 1988, 72. Since approximately 90% of the parents of deaf children are hearing, one must ask why so many parents would prefer an ostensibly "more restrictive" environment. The answer of course is that they find such placements, with appropriate educational opportunities, truly "least restrictive." These comments and those statistics speak forcefully to the importance of educational placement and the tragedy of substituting labels for common sense.

III. THE ACT PROVIDES CLEAR GUIDELINES FOR APPLYING LRE.

The heart of the ACT is an individual determination of what a handicapped child's unique needs are and the development of a program to meet those needs. Any clarification of the LRE standard would be fully in keeping with that purpose.

While Congress certainly expressed a preference for "mainstreaming" (without using the term in the law itself), it did so with express qualifications and an underlying commitment to determination of needs before placement. The LRE standard provides:

> to the maximum extent *appropriate*, handicapped children . . . are educated with children who are not handicapped, and that special classes, separate schooling, or their removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. . . 20 U.S.C. sec. 1412(5)(B) (emphasis added).

The regulations promulgated pursuant to the ACT include, 34 C.F.R. 300.500-552. They provide:

Section 300.500:

Each public agency shall insure:

(1) That to the maximum extent appropriate, handicapped children . . . are educated with children who are not handicapped, and

(2) That special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Section 300.551:

(a) Each public agency shall insure that a continuum of alternative placement is available to meet the needs of handicapped children for special education and related services.

(b) The continuum required under paragraph (a) of this section must:

(1) Include the alternative placements listed in the definition of special education under Reg. 300.13 of Subpart A (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions) . . .

330.552:

Each public agency shall insure that:

(a) Each handicapped child's educational placement:

(1) Is determined at least annually,

(2) Is based on his or her individualized education program;

(3) Is as close as possible to the child's home;

(b) The various alternative placements included under Reg. 300.551 are available to the extent necessary to implement the individualized education program for each handicapped child;

(c) Unless a handicapped child's individualized education program requires some other placement, the child is educated in the school which he or she would attend if not handicapped; and

(d) In selecting the least restrictive environment, consideration is given to any potentional harmful effect on the child or on the quality of services which he or she needs.

A. Placement Considerations Must Follow a Determination of a Child's Unique Needs.

The LRE requirements that handicapped children be placed with non-handicapped children is expressly qualified: placement in "regular" environments is modified by "appropriate." 10 U.S.C. section 1412 (5)(B). There are other "qualifiers."

First, section 34 C.F.R. 300.551 provides for alternative placement options to "meet the needs of handicapped children." If LRE only meant mainstreaming, then the "continuum of placement options" of 300.551 would be unnecessary.

Second, section 300.552 qualified LRE in several places. Section 300.552 (a)(2) specifically provides that placement must be based on the child's individualized education program [IEP]. The published comment to 300.552 states that the "*overriding* rule in this section" is that "placement decisions must be made on an individual basis." This is consistent with the ACT's requirement that each handicapped child be provided a "free appropriate public education", "specially designed" to meet his or her "unique needs" (20 U.S.C. sec. 1401(16)(18)), constructed pursuant to an IEP which describes the components of that child's program. See 20 U.S.C. sec. 1401(19); 34 C.F.R. secs. 300.340-349. Misapplication of LRE, specifically the generic use of mainstreaming and other inappropriate placements, subverts the IEP process.

The IEP must include:

> A statement of the child's present levels of educational performance;
>
> A statement of annual goals, including instructional objectives;
>
> A statement of specific special education and related services, and the extent to which the child will be able to participate in regular education.
>
> The projected dates for initiation of services . . . and;
>
> Appropriate objective criteria and evaluation procedures and schedules for determining . . . whether the short term instructional objectives are being achieved.

34 C.F.R. section 300.346.

It is of note that the IEP regulation recognizes the qualified nature of mainstreaming and refers to the "extent to which" the child will be able to participate in regular education.

Third, alternative placement options must be "available to the extent necessary to implement" the IEP. Sec. 300.552(b). Fourth, in "selecting" the LRE, "consideration must be given to any potential harmful effect on the child . . ." Sec. 300.552(d).

While the original sponsors of the ACT "had a view of integration with non-handicapped children as the governing principle, especially when there is clear evidence that just the opposite was what was occurring in the past," Congress also recognized that "there are many instances when it would be harmful to a handicapped child to force him or her into regular classroom situation." *See* Stafford, "Education for the Handicapped: A Senator's Perspective," 3 Vermont Law Review, 71 76(1978); HR Rep. No. 94-332, 94th Cong. 1st Sess. 9(1975).

Senator Stafford, one of the original sponsors of the ACT, noted that placement in a regular classroom "should be reached during the construction of the individualized education plan." 3 Vermont Law Review, supra, at 76.

To this date the United States Supreme Court decision in *Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176, 181, n. 4(1982) stands as the first and most thorough judicial analysis of the ACT. Chief Justice William Rehnquist, speaking for the majority of the Court interpreted the ACT as follows:

> Despite the preference for "mainstreaming" handicapped children — educating them with non-handicapped children — Congress recognized that regular classrooms simply would not be suitable setting for the education of many handicapped children . . . The ACT thus provides for the education of some handicapped children in separate classes or institutional settings.

Despite this language, federal, state, and local educational agencies make individual and programmatic decisions with an "absolutist" view of LRE. The starting point has become "mainstreaming" not individual needs. Yet many courts, following the Rowley position, have confirmed a quite opposite meaning of the law from that applied by those agencies:

> The degree to which a challenged IEP satisfies the mainstreaming goal of the [ACT] simply cannot be evaluated in the abstract. Rather, that laudable policy objective must be *weighed in tandem with the ACT's principal* goal of ensuring that the public schools provide handicapped children with a free appropriate education.

Lachman v. Illinois State Board of Education, 852 F.2d.290, 295-6 (7th Cir. 1988) (emphasis added).

As the Court of Appeals for the 6th Circuit noted, the "ACT does not require mainstreaming in every case" because the "proper inquiry is whether a proposed placement is *appropriate* under the ACT." *Roncker v. Walter*, 700 F.2d 1058, 1063 (6th Cir.); *cert. den.*, 464 U.S. 864(1983) (emphasis added.)

See also, A.W. v. Northwest R-1 School District, 813, F.2d 158, 163(8th Cir.), *cert. den.*, 108 S. Ct. 144(1987) (20 U.S.C. section 1412(5) "significantly qualifies the mainstreaming requirement . . . it is inapplicable where education in a mainstream environment 'cannot be achieved satisfactorily.'"); *Mark v. Grant Wood Area Education Agency*, 795 F.2d 52, 54 (8th Cir. 1986), *cert. den.*, 107 S. Ct. 1579(1987) (in which the court rejected the view that "the mainstreaming provisions of the ACT are satisfied only if a handicapped child is educated *in the same classroom* with non-handicapped children." [Emphasis in the original]).; *Doe v. Maher*, 793 F.2d 1470, 1483(9th Cir. 1986) (the ACT "does not compel localities to place handicapped students in regular education classes, but only in the least restrictive setting consistent with their needs and those of the other students."); *Taylor v. Board of Education of Copak-Taconic HIlls Central School District*, 649 F.Supp. 1253, 1258(N.D. N.Y. 1986) ("in some instances, a special facility will constitute the least restrictive environment for a particular handicapped child").

The "crucial determination" for placement "involves a *full* and *careful* consideration of the child's own needs. . ." *Taylor v. Board of Education, supra*, at 1258 (emphasis added). *See also; Board of Education of the East Windsor Regional School District v. Diamond*, 808 F.2d 987, 992 (3rd Cir. 1986) ("The least restrictive environment depends upon the particular disability in question. For some students a residential placement may well be the least restrictive.").

Courts have addressed the subordination of LRE to "appropriateness" as it relates to children with language disabilities:

> As to the requirement that handicapped children be placed in the least restrictive environment possible, we believe that this determination must include consideration of the particular handicap a child has. . . Current regulations make it even more clear that the goal of placing children in the least restrictive environment does not trump all other consideration . . . For some pupils a residential placement may very well be the least restrictive. Considering S.G.'s language problems, for example, the district court could conclude that a residential placement where sign language is used, is the least restrictive.

Geis v. Board of Education of Parsippany-Troy Hills, 774 F.2d 575, 583 (3rd Cir. 1985).

In *Grkman v. Scanlon*, 528 F.Supp. 1032, 1037(W.D. Pa, 1983), the court would not remove a deaf child to a mainstreamed class because it would "not promote maximum effective utilization of the pupil's time in obtaining skills necessary for a deaf person."

Judge Rosenberg in *Visco by Visco v. School District of Pittsburgh*, 684 F.Supp 1310(W.D. Pa. 1988) rejected placement of two deaf children into a mainstreamed program. His concerns are direct and passionate:

> I look at this case as symbolic of that which is a national deficiency. The President and United States Congress recognized this deficiency and created in 1986, the Commission on the Education of the Deaf.
>
> Clearly mainstreaming is a means, not an end. Mainstreaming's function is to prepare a handicapped individual to function as a normal adult in society; it is not a goal in and of itself. Nowhere in the ACT is a handicapped child required to sink or swim in an ordinary classroom. The Commission on Education of the Deaf provided a wealth of information on the value of a least restrictive environment.

Id. at 1311, 1314 (emphasis added).

Judge Rosenberg placed mainstreaming in its proper perspective, recognizing that it cannot be applied in a vacuum, and that true integration is more than the incantation of a phrase:

> Mastery of language skills is vital to an adult in our society. . . It makes no sense to move Jennifer and Rene, risking loss of fundamental language skills which will prepare them for 10th grade, with the only possible benefit being several years of "mainstreaming"; the benefits of which the Commission on Deaf Education has placed in serious doubt. Mainstreaming that interferes with the acquisition of fundamental language skills is *foolishness mistaken for wisdom.*

Id. at 1315-1316 (emphasis added).

The court "firmly" believed that "it is far better to prepare the handicapped to function in society as ordinary adults via special schools. . . rather than mainstreaming a youngster now with the possibility of producing an adult who might have to rely on social services later because he or she cannot communicate effectively." *Ibid.*

Six months after Judge Rosenberg issued his decision in *Visco*, the United States District Court for the Middle District of Louisiana (Civil Action No.87-741A, October 21, 1988) issued an order that the plaintiff child would attend the Louisiana School for the Deaf. The parties' consent decree noted the following:

> This agreement is based upon the findings and recommendations of the Commission of the Education of the Deaf. . . A central theme of this report is the *recognition that placement of some deaf students in regular classes as the least restrictive environment can result in placements which severely restrict, if not deny, many of these children from receiving an appropriate education that meets their needs.*

(Copy of Consent Decree, Attached; emphasis added).

The court further affirmed that "placement in center schools, which have sufficient numbers of deaf children at each age and grade level, can be considered the least restrictive environment in specific instances depending on an individual student's needs and abilities." Because the student in this matter needed to be in an "environment of intelligibility where she can understand all that is being communicated", to: develop a positive self-concept through daily interaction with successful deaf role models", to have "enhanced communication with her peers in an educational setting", and to have "meaningful participation with her peers in after-school and extracurricular activities", the parties agreed to her placement at the State School.

The decisions from *Rowley* to *Visco* confirm the ACT's focus on individual needs and appropriate education, and placement based on, and subordinate to those needs. Efforts to clarify LRE as it relates to deaf children would be wholly consistent with the ACT's mandate.

B. Despite the Individual Nature of the ACT and the Many Courts Decisions Emphasizing Needs Over Placement, the LRE Standard Continues to be Misread and Misused.

Despite the clear language of the ACT and the many court decisions that stress that LRE should follow a determination of individual need, LRE continues to be misapplied. The COED found ongoing, nationwide, and disturbing proof of that. That confusion has found its way into court decisions and administrative decisions, as well as federal and state policy decisions and orders.

For example in *Case No. SE-46-85*, an Illinois family sought residential placement for their two deaf children. The school district offered placement in a local hearing impaired program with some mainstreaming. The hearing officer rejected what s/he called the "novel argument [by the parents' attorney] that the district's proposed placements are *more* restrictive because of alleged problems with communication, socialization and participation." The officer concluded that the district's placement was the only "legally correct" one since "as a legal proposition, the meaning of 'least restrictive environment' is clear; a handicapped child *must* be educated with children who are not handicapped . . . Therefore, the parents' proposed placements (although not inappropriate) are legally incorrect." Case No. SE-46-85, EHLR 507: 387.

In *Thornock v. Boise Independent School District No. 1*, (D.C. State of Idaho, 1985) published in the Education for Handicapped Law Reports [EHLR 556: 477], the court gave its reading of the LRE requirements:

> We conclude that the preference for mainstreaming is so strong that is must be considered as a presumptive requirement of a free appropriate public education and not merely as a balancing factor.

Although the Idaho Supreme Court was strongly divided on the mainstreaming issue, it confirmed this decision. *Thornock v. Boise Independent School District No. 1*, (S.C. Idaho, 1988) EHLR 559: 486, 498. The conflict regarding mainstreaming, as reflected in this case, is merely characteristic of a larger confusion. School districts and federal and state departments of education continue to force a generic LRE policy on deaf children, just as the Idaho court concluded that mainstreaming was a presumptive requirement of the law. As many parents testified to the COED, it was almost a miracle to be able to place their children in a center school, to be able to overcome the district bias for mainstreaming or other inappropriate placements.

Although the ACT does not require a cascading order of importance, or if you will, "restrictiveness" among the continuum of placements, federal, state, and local educational agencies see LRE as a linear concept. One begins with regular class and then moves down the "continuum" to increasingly more restrictive options. Ostensibly a residential placement would constitute the most restrictive environment. The irony is that for many deaf children, a residential or center school would for all logical purposes constitute the least restrictive environment. It would provide a rich, appropriate, and fully "accessible" language environment. It would provide staff trained in working with deaf children. It would have an appropriate population base from which a child could select and communicate with peers. This population base would allow a child to have consistent and sequential educational opportunities. That such a placement is considered the "most" restrictive environment suggests how badly the LRE concept has been applied for many deaf children.

C. The Narrow Application of the IEP Often Precludes Consideration of the Most Important Components of a Deaf Child's Education.

As noted, the IEP requires inclusion of specific components (e.g., instructional goals). What is not included in the IEP process is consideration of the most basic components of a child's education, e.g., language access, peer opportunities, access to adult role models. In reality, school districts will include instructional objectives, current levels of performance, criteria for evaluation, etc. (34 C.F.R. sec. 300.346) but have no reason to, and rarely do include the more basic needs of a deaf child.

A district may include, for example, a goal that touches upon peer relationships: "____________ will demonstrate an ability to use appropriate social skills in the classroom." There is little or no discussion on the IEP about who are the child's peers. Such a description does not fit easily into the jargon and form of IEP's goals and objectives. This is not unlike providing a child with a goal for cursive writing without providing pencil or paper.

School districts, administrative hearing officers and judges have frequently found that as long as the district requirements of 300.346 are being met, the child is receiving an "appropriate" education. The IEP process is inadequate if it does not have room for and insure that the most basic components of a child's education, e.g., language mode, peer opportunities, are systematically part of that process.

D. Misapplication of the LRE Portion of the ACT is Violation of the other Segments of the Law.

The United States Supreme Court in *Board of Education v. Rowley, supra*, 458 U.S. at 180 emphasized that "Congress in 1974 greatly increased federal funding for education of the handicapped and for the first time required recipient states to adopt 'a goal of providing full educational opportunities to all handicapped children." (Emphasis added.)

California for example defines "appropriate education" as one that" shall provide the equal opportunity for each individual with exceptional needs to achieve his or her *full* potential, *commensurate* with the opportunity provided to other pupils. California Administrative Code, Title 5, section 3001(b). This is fully consistent with federal regulations which require that each educational agency have a goal of "providing full educational opportunity to all handicapped children aged birth through twenty-one." 34 C.F.R. section 300. 123.

The concept of "full educational opportunity" can have no meaning if it does not include an environment in which there is appropriate, on-going and direct language opportunities. It has no value if it does not mean the chance to communicate and socialize with peers. We take for granted that non-handicapped children are, except for rate exceptions, placed in schools where there is a "mass" of children who are at a similar age, language and cognitive level. A full educational opportunity has no meaning and the "free appropriate public education" concept of the ACT is of no use, if deaf children are not provided these same chances.

IV. AVAILABLE REMEDIES

While the existing law on LRE includes qualifications and while the IEP process should insure that individual needs are assessed before placement is made, the history of the ACT reveals, as the COED emphasized, that this is not the case for many deaf children. Remedies are available that do not in any way change the basic purpose of the ACT or alter the Congressional concern for inappropriate segregation of handicapped children.

Accordingly the following should be considered to rectify the problem facing many deaf children:

A. The Recommendations of the COED Must be Implemented by the Federal Department of Education.

Minimally the COED findings and recommendations, especially those found at pp 20-36, should be *formally* and *immediately* implemented by the Federal Department of Education. The Department, should, among other things, issue clear, direct, and binding policies (through for example OSEP memoranda) to the states to insure that the COED recommendations are implemented.

B. Clarification of the LRE Standard.

The LRE requirement should be systematically clarified to insure that a) placement decisions are made only after a full and careful determination of individual needs, b) that there be no generic application of LRE, c) that there be no pre-judgment as to what constitutes a child's LRE, d) that determination of what is least restrictive happens only after needs are considered -- placement should fit those needs and, therefore, that placement which meets those needs, is "least restrictive."

C. Clarification of other LRE Standards.

The requirement that a child be educated "as close to home as possible" and in the school he or she would attend if not handicapped be clarified to insure that such determinations are made only after individual needs are assessed and the placement decision is fully consistent with the child's unique needs.

D. Provision of a Deaf Child's Needs through the IEP.

The COED emphasized that the "educational needs of many children who are deaf are intensive" and thus concluded that "the following factors [among others] should be considered when designing" an education for a deaf child:

1. *Communicative needs and the preferred mode of communication* . . . Educators should take into consideration the child's ability and the opportunities provided to communicate freely with others, whether they are hearing or not.
2. *Linguistic needs*. . . A strong language base is of paramount importance if a child is to gain an education and be able to communicate with those around him or her. Regardless of the degree of the child's hearing loss, communicative and linguistic needs should be an integral part of the child's [educational program].
3. *Severity of hearing loss and the potential for using residual hearing.*
4. *Academic level and style of learing.* A child who is deaf should not be placed in a program where other students are at an academic level either significantly beyond or behind his or hers.
5. *Social needs.* Interaction with peers is essential for self-esteem. To be among peers means to be able to *communicate freely with them*. It is *critical* that children who are deaf be among peers with whom they can communicate and interact comfortably, and who are in the same age range (no more than 2 or 3 years age difference).

Toward Equality, 20-22 (emphasis added).

Consequently the IEP process must involve, for all deaf and hearing-impaired children, consideration of the following:

1. specific language mode of the child;
2. how the child's need for language access (direct, on-going, appropriate) is to be provided;
3. the child's need for the direct communication access to staff;

4. how the child's language development will be provided;
5. how the child's need to be with age, language, and cognitive peers will be provided;
6. what is the population base from which the child can choose appropriate and accessible peers;
7. how access to appropriate deaf adult role models will be provided;
8. how the child's needs for related services will be made fully and directly accessible;
9. how the child's needs for involvement in recess, lunch and extra-curricular/after-school activities will be made accessible.

The simplicity of this remedy is that it does not mandate a particular form of language, does not require one kind of peer grouping over another, and has no impact on the LRE requirement of the law as it relates to non-deaf children. Consequently, if the IEP team finds that the deaf child needs significant exposure to hearing children, then that child's LRE should include some form of mainstreaming. If the IEP team finds that the child needs to be with age peers who use sign language, then the IEP and placement should so provide. Mandating consideration of these issues does not guarantee any particular placement, but rather that placement will be made after a careful assessment of those crucial needs. The individual thrust of the ACT remains inviolate, while the Congressional preferences for integration remains intact.

E. Clarification of the "Removal" Language of LRE.

As noted, the LRE standard provides that a child should not be removed from regular education unless it can be shown that the child cannot achieve satisfactorily even with the provision of supplementary aids and services. 20 U.S.C. section 1412(5)(B); 34 C.F. section 300.500. This creates a tremendous burden for parents of deaf children. A deaf child may be learning math or spelling and; therefore, presumably "achieving satisfactorily" without in any way having an appropriate education.

As the COED was told on repeated occasions (p.30), a parent had to prove that his or her child had failed before placement in, what would be for a deaf child, a "less" restrictive environment, could be accomplishment. Since LRE is viewed as a linear concept with the regular classroom at one end, placement in a program at any point further down the "line" is frequently opposed. The "removal" language increases the difficulties of placing many deaf children in the appropriate placement.

F. Creation of an Appropriate Model for LRE.

It is not surprising that the COED suggested that determination of placement (or LRE) should be on a circle rather than a linear model. While there is a Congressional preference for placing handicapped children with non-handicapped children, it is equally clear that Congress intended that individual needs determine placement, not the other way around. Therefore, the child's needs are in the middle of the circle, while the various placement options are on the circle's circumference. In that way the selection of the appropriate placement is by definition, least restrictive. *Toward Equality*, 32.

J. Maurer, President of the Pennsylvania Society for the Advancement of the Deaf spoke eloquently about why determination of LRE must be based on more than abstract considerations. The COED published his thoughts:

> That environment [regular school] which may be the least restrictive in terms of the integration of other handicapped and non-handicapped students becomes the most restrictive in terms of basic communication between deaf children and their hearing peers, setting the

> stage for drastic retardation in development of identity, social skills, and maturity — something clearly unintended by . . . the [ACT]. Worse, severely limiting a deaf child's access to a whole range of experiences with other children and adults may also impede the child's ability to acquire and develop language, a factor which will limit his or her education permanently. . .

Toward Equality, 32-33 (emphasis added).

VI. CONCLUSION

The COED printed, on its cover page, a quote from Matthew Henry: "None so deaf as those that will not hear." The quotation is more than apt given the rush to mainstream deaf children or otherwise place them in inappropriate settings. Allegiance to an abstract concept is unjustified and unreasonable. The LRE concept can have little meaning if it does not, above all else, mean a determination of placement based on the particular and important needs of a child. Nothing is more basic to a child's growth than appropriate, direct, and on-going language access and appropriate and accessible social opportunities. These are but two of the essential components of a deaf child's education which are being sacrificed to an abstraction.

Integration of handicapped students is a noble and important goal. Nothing should impede that process. It must, however, be applied appropriately, individually, and in the case of deaf children, after a full consideration of their "core" needs. The ACT must be clarified to insure its basic premise: educational placement based on individual need and appropriateness.

memo

san mateo county office of education

william h. jennings - superintendent of schools

DATE : December 12, 1988

TO : All Staff - Special Education Services Division

FROM : Herm Neufeld, Assistant Superintendent

SUBJECT: Administrative Changes for 1989/90

You are painfully aware by now that budget reductions are becoming a way of life for us. We will be exploring solutions to the problem of program support beginning with the State Department of Finance. Failure to gain additional support at that level will necessitate dealing with the problem as a SELPA-wide issue. I will share with you in the near future a process and timeline for the above-mentioned actions.

For the 1989/90 school year, the Special Education Services Division will need to reduce the budget by $130,000. We are making every effort to keep these reductions from directly affecting students. Reductions will consist of:

Division Operations -	$ 90,000
Energy Conservation -	10,000
Educational Services Manager (.5 FTE)	30,000

The reduction of an Educational Services Manager by 50% will necessitate the shifting of program responsibilities for some managers. Shelley Forrest will be reducing to 50% and will be assuming responsibility for Integrated Visually Impaired, Integrated Hearing Impaired, Integrated SDL and Remedial Vision and Hearing Services. John Piper will be assuming responsibility for all elementary and junior high SDL classes. The high school SDL classes will be supervised by Caitie O'Shea. The two classes for the Visionally Impaired will be supervised by Jan Baumel.

With the State's enforcement of the Least Restrictive Environment Policy, our Division has experienced a dramatic transition from self-contained schools to self-contained classes on district sites. This transition will continue until most, if not all, of our classes are housed on regular school campuses. While this has generally enhanced student experiences, it has created a number of problems relating to administration and support of county-operated classes on district sites.

1989/90 will be a year of strategic planning for the Special Education Services Division with particular emphasis on administrative and support services delivery. This will be done not with a view toward reduction in these two areas but rather with a view toward realignment of roles and responsibilities to better serve the needs of all staff. Your creative input will be sought as we proceed through this process.

HN:sal

333 MAIN STREET - REDWOOD CITY, CA 94063 - (415) 363-5400

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

BETTY AUSTIN, on behalf of her minor daughter, Detra Austin
Plaintiffs

versus

DR. THOMAS CLAUSEN, et al.
Defendants

CIVIL ACTION
NO. 87-741 A
JUDGE PARKER

CONSENT DECREE

NOW INTO COURT, through undersigned counsel, comes the respective parties who, in an effort to resolve the continuing dispute presently before this Court, hereby move that the following consent decree be approved and the attached Order be signed:

1. On August 27, 1987, plaintiffs filed suit in the above-referenced action seeking judicial review of a due process hearing decision which was rendered in an administrative proceeding conducted pursuant to the Education for all Handicapped Children Act, 20 USC §1401-1461, its implementing regulations, 34 CFR §300.1 et seq. and Louisiana's Education of Exceptional Children's Act, LSA-R.S. 17:1941 et seq. and its implementing regulations. Plaintiff Detra Austin sought judicial review of this administrative decision which denied her placement at the Louisiana School for the Deaf and claimed that such decision violated her rights under the above-referenced statutes as well as 29 USC §794, as amended, its implementing regulations, 34 CFR Part 104, and 42 USC §1983.

2. The parties to this Consent Decree agree that the provisions of this agreement fully and fairly accommodate the interests of the parties thereto and should be adopted and approved by this Court as a full and final judgment between the parties in this case.

3. By entering into this decree, defendants do not in any way admit liability of plaintiff's claims. Rather, all parties have agreed to the provisions of this Consent Decree in order to resolve on an amicable and cooperative basis the issues between them in this litigation.

NOTICE MAILED TO
DATE 10/21/88 BY
O'Connell

X

DOCUMENT NO.

4. It is hereby agreed that plaintiff Detra Austin shall attend the Louisiana School for the Deaf beginning with the 1988-89 school year and shall continue in that placement until a properly constituted Individualized Education Program (IEP) committee determines that such placement is no longer appropriate to meet her individualized educational needs or until such time that she has attained the age of twenty-two and is no longer eligible for special education services.

5. This agreement is based upon the findings and recommendations of the Commission of Education of the Deaf in a report to the President and the Congress of the United States, dated February 1988, which closely examines the issues related to the appropriate education of deaf students. A central theme of this report is the recognition that placement of some deaf students in regular classes as the least restrictive environment can result in placements which severely restrict, if not deny, many of these children from receiving an appropriate education that meets their needs. Accordingly, placement in center schools, which have sufficient numbers of deaf children at each age and grade level, can be considered the least restrictive environment in specific instances depending on an individual student's needs and abilities.

6. Following the recommendations of the Commission of Education of the Deaf, plaintiffs and defendants have considered the following factors relevant to plaintiff Detra Austin's placement at the Louisiana School for the Deaf: her age; her degree of deafness; her need to be in an environment of intelligibility where she can understand all that is being communicated; her need to develop a positive self-concept through daily interaction with successful deaf role models: her need to explore her future vocational and educational goals with both deaf adults and peers; her need for enhanced communication with her peers in an educational setting; and her need for meaningful participation with her peers in after-school and extracurricular activities. Given all of these factors, and stipulating that the above named report was not in effect for Detra Austin's past IEP meetings, nor was the germane report available during the administrative hearings, it is now agreed that plaintiff Detra Austin's placement at the Louisiana School for the Deaf is the appropriate placement in which her individualized needs can be met and thus, for her, represents the least restrictive environment as required by state and federal law.

7. The right to placement at the Louisiana School for the Deaf shall become effective upon entry of this decree and a properly constituted IEP committee shall meet as soon as practicable to identify the goals, objectives, and related services necessary to provide plaintiff with an appropriate education in that setting. All parties agree that the IEP shall incorporate the terms of this consent decree.

8. Plaintiff counsel avers that this consent decree is acceptable to Detra Austin and that it is plaintiffs' counsels' solemn promise that plaintiff will sign an appropriate IEP that would include this consent decree.

9. All parties agree to reserve the issue of plaintiff's entitlement to attorney's fees to be determined by this Court at a future date.

WHEREFORE, having fully read and considered the provisions set forth in the above Consent Decree, plaintiffs and defendants, by their counsel, stipulate and agree to the above terms.

Respectfully submitted,

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UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

BETTY AUSTIN, on behalf of her minor daughter, Detra Austin Plaintiffs	*	CIVIL ACTION NO. CA 87-741 A JUDGE PARKER
versus	*	
DR. THOMAS CLAUSEN, et al.	*	

* * *

ORDER

Considering the foregoing Consent Decree, signed by al parties in the above-referenced action on [illegible]tober 21, 1988:

IT IS HE[illegible]ORDERED that the attached Consent Decree shall be entered as the Order of this Court, this 21 day of October, 1988, Baton Rouge, Louisiana.

John V Parker

JOHN V. PARKER
UNITED STATES DISTRICT COURT JUDGE

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RESEARCH

MICHAEL STRONG, PH.D.

Language Learning and Education Among Deaf Students: Overview of Some Issues

The main educational hurdle faced by deaf students is to acquire the language of the community into which they are born. For many of these students the language of the community becomes neither their first language, in the sense that they do not achieve native-like grammatical competence, nor their second language because they may not be exposed in early life to any language they can readily acquire. More than 90% of deaf children are born into hearing families who do not use a natural sign language. Some will be exposed to a natural sign language, such as American Sign Language (ASL), when they enter residential school; others who are mainstreamed in schools with hearing children may not have contact with the language at all, or until they become involved in the deaf community. The small percentage who have deaf parents are usually, but not necessarily, exposed to a natural sign language from birth and thus acquire a first language in the normal developmental stages. Whatever the circumstances, communicative competence in a signed language, unlike in a spoken language, is readily acquired by deaf students, but for most of them it functions as a late-acquired first language.

Communicative competence in English is problematic both because there may not be the first language base and because a hearing loss blocks the major channel for language input. Language acquisition is dependent on input. No input equals no learning. The prognosis for auditory language learning in a deaf child depends on several factors, of which the most important are: a) the severity of the hearing loss (although even moderate losses can seriously affect acquisition), b) the quality of the residual hearing, reflected in the child's speech discrimination when using a hearing aid; and c) the age at which the loss occurs, with the important distinction being whether language has already been learned (postlingual deafness) or not (prelingual deafness). The extent of the family's involvement in the child's education also appears to be very important (Bodner-Johnson, 1986), along with intelligence, socioeconomic status, and the other factors which affect the educational progress of all children. In the most intractable case, the child will be profoundly deaf from birth, born into a hearing family, and because of the sensorineural damage to the inner ear will receive only limited benefit from a hearing aid. In order to realize how restricted the input can potentially be, we should consider the sources of linguistic information remaining to such a child. As we will see, both the auditory and the visual channels provide reduced, fragmented input.

Auditory Information

One source of linguistic information is sound amplification by means of a hearing aid whose purpose is to boost speech sounds to a level of intensity above the threshold of the deaf person's residual hearing. Even when this is possible, amplification may provide fragmentary auditory information, since hearing aids cannot compensate for damaged hearing in the way that spectacles correct vision. Hearing sensitivity may remain for some frequencies but not others, and the neural structures remaining may be damaged. Both the restriction of range and the damage to the inner ear may provide only a distorted signal to the person. In addition, information is likely to be missing because English is a stress-timed language in which the heaviest stress and longest duration are given to the content words, with function words being spoken casually, repidly, and with less intensity, such that they may not be boosted by amplification beyond threshold. Thus, in a phrase such as ". . .to the school" produced casually in running speech, only the vowel sound for "school" may remain, and the proposition and article which complete the syntactic constituent are likely to vanish. Inflections such as /-s/ on verbs and plural nouns or /-ed/ on past tense verbs are also unstressed and difficult to perceive, often resulting in the loss of crucial information and making the acquisition of the grammatical rules of English difficult for the learner. It is rather like someone in Siberia trying to learn English from broadcasts on an weak radio reciever.

Visual Information

A second source of input, whether from straight oral input, or speech accompanied by signs, is lipreading. The information provided by lipreading is limited in two major ways: first, intake does not occur through 360 degrees as does hearing, but must be in face to face contact. Second, and more important, linguistic information on the lips is far from complete. Many visible sounds look identical to the lipreader (e.g. /b/, /p/, and /m/; or /t/, /d/, and /n/, and many vowels), while other sounds are not visible at all. In casual speech, about 40% of the phonemes are visible. Since successful lipreading relies on much intelligent guessing, it is thus correlated with skill in English. Thus, postlingually deaf persons are likely to be better lipreaders than the prelingually deaf. The Siberian, in this case, is trying to learn English through interactive video, with no sound.

A different kind of visual information might be available through a signed code for English, several of which have been developed by educators for teaching purposes (and these should not be confused with natural sign languages such as ASL, British Sign Language, French Sign Language, etc). Here again, the input tends to be restricted. If signing takes place in the home at all, parents are usually themselves only beginners, and have trouble including all the information from the spoken message in their signs (Swisher, 1984). Teachers, too, although often more fluent signers, do not tend to match the signed component with the spoken elements of their language (Marmor & Petitto, 1979; Strong & Charlson, 1986). Often missing are the same elements that get lost by those relying on amplification such as articles, past-tense morphemes, and plurals. Also such language, even when complete, is hard to process for the observer, because, in order to represent all the grammatical elements of English, signs are added in strings (thus a single-syllabled word such as "cars" becomes two signs CAR + S, and "walking" becomes WALK + ING, with equal emphasis on all elements). The resulting output takes much longer to produce than either spoken English or the same information in ASL (which uses facial expression to convey grammatical information concurrently and hence speed things up), and is thus very taxing to decode. Given the incomplete input and the potential conceptual problems of learning an auditory language through visual means it is not surprising that deaf students have problems figuring out the grammatical rules of English under these conditions. To carry the analogy perhaps too far, our Siberian is now able to discern only nouns and verbs, unmarked for number or tense.

A third source of visual input is print. This is theoretically the only source of complete English to a deaf person, and it is tempting, when first confronted with the problem of language learning and deafness to think of reading as the best source of linguistic input. Study after study, however, has shown the low reading levels of deaf students, usually characterized as no better than fourth grade on completion of high school (Wrightstone, Aronow, & Moskowitz, 1963; DiFrancesca, 1972; Conrad, 1977). There are logical reasons why it is not easy to learn a language through print alone. In mother-child interaction, so important in early language acquisition (Snow, 1984), the mother not only makes language optimally comprehensible by use of context and gestures, but also by adjustments such as simplification, repetition, and rephrasing). No such contextual support or online adjustment is available on the printed page. Missing, too, are intonation, stress, and pitch.

Educational Options

Given the extreme disadvantages of acquiring English under these conditions, and the great variability among deaf children in hearing loss, home environment, parental motivation, etc., it follows that these children need educational environments individually tailored to their needs. It is also clear that whatever educational program is selected, and there are many different choices available, the student needs a great deal of special support in order to overcome the barriers to learning English that deafness creates.

For many years, the biggest debate in deaf education concerned the merits of an oral versus signing environment. Such an issue can never be satisfactorily resolved as long as people are searching for THE best system of education. More recently, in the footsteps of the civil rights movement, the trend has been to recommend mainstreaming for deaf students alongside their hearing peers. Again, it should not be assumed that any one system is best for all children, and the focus needs to be on what conditions optimize performance in the chosen program, not which kind of program is best. After almost fifteen years of mainstreaming, reading levels among deaf children have not improved, and anecdotal reports suggest that levels of integration are no greater. A recent study of mainstream programs in Northern California (Strong, Charlson, & Gold, 1987) showed that; a) programs had few formal criteria for selecting children for mainstreaming; b) services varied considerably from school to school, tending to be inadequate, especially with regard to interpreting; c) very little academic mainstreaming took place, with most children spending time with hearing peers at lunch or in non-academic classes; d) amount of academic mainstreaming was associated primarily with high reading levels, suggesting that the better readers continued to get mainstreamed while those who did poorly in English dropped out. The implication here is that opportunities for mainstreaming were not equally available to all deaf students, even if it was considered desirable for other reasons.

For a deaf student to succeed academically in a regular classroom, all the problems associated with access to English input mentioned above have to be overcome. This might be achieved with the help of interpreters, teachers familiarizing themselves with the process of lipreading, adequate hearing aid devices, extra tuition, and so forth. However, academic success is not the only important outcome. Socialization and cultural identity are also involved. As Rutherford (1988) observes "An environment created solely by a sensory deprivation does not make a culture". The crucial element in cultural identity is language, and for deaf individuals that means ASL. Thus a deaf student in a mainstream setting without peers who share that language will feel isolated as long as his or her limitations in English prevent easy access to members of the majority culture. Hearing students from other countries either maintain their own cultural identity while attempting to become bilinguals (as is typical of thos of Hispanic or Chinese origin), or forsake their native culture and become fully integrated (as tended to happen among Japanese immigrants). Deaf students who are mainstreamed often have neither of these options.

The following quote on the topic of socialization is taken from an article by Joanne Greenberg:

> Milan's concern is not intellectual but social. 'In the mainstream classes I see, there are usually only one or two deaf kids. Maybe the whole school has three; one 8-year-old boy, one 6-year-old deaf girl, and one 13-year-old girl, for example. These three are put together in a resource room because they are deaf. They have nothing else in common. They are given an interpreter and left to pick up what they can. At lunch they sit in a corner by themselves or with other special ed kids with whom they have nothing in common but their specialness. Legally it's a least restrictive environment; in reality it's not environment at all,' said Milan. (p.7)

Reports from teachers at Gallaudet also suggest that students who come from mainstream settings tend to have trouble socializing, even though academically they are often well prepared. Such reports raise concerns about the social and psychological implications for deaf children who are isolated from others like themselves and are often not equipped with the communication and social skills to become active members of the majority culture. The fear is that they then become isolated, lacking in self-esteem, lonely, and unassertive.

In summary, deaf children face special problems with language acquisition that set them apart from hearing American children or speakers of other languages. Educational choices need to be tailored to the individual child, and accompanied by all the support services possible to overcome the barriers to communication, access to input, socialization, and the formation of a cultural identity. No single educational program will be suitable for all deaf children. Often, a least restrictive environment may be one that enables the deaf child to develop an identity among peers who use the same language, while having access to an appropriate academic program.

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SAMPLE TESTIMONY

Commission On Education of the Deaf

Lawrence J. Brick

In presenting this testimony, I contribute my understanding of deafness from three experiental perspectives: I am a trained psychologist who has worked with deaf children for over 25 years as a teacher, administrator and counselor; I am a deaf consumer with a profound hearing loss from meningitis at 10 months of age; and last but not least, I am a father of a son with a profound hearing loss from birth and have been privileged to live through the upheavals, for better or worse, that were created by PL 94-142 that mandated education for all handicapped children. As a parent I learned through my son's sharing of his experiences factors that make for the most appropriate learning enviornment not educational plan for deaf children.

There are two parts to this presentation: first, my own personal experiences and observations in the educational rearing of my deaf son-a difficult, but personally rewarding job that is not yet complete; and secondly, my professional experience and observations in working with children from center school and mainstream settings.

My fifteen year old son is now a sophomore at a prestigious private high school with full time sign language interpreting services. His grades have ranged from D in Latin to A in geometry and his average is in the C's. Like most teenagers, he'd rather be out playing ball, flirting with the opposite sex, and enjoying the camaraderie of his deaf peers. He is considered by any standards established by special education programs throughout the country an excellent candidate for mainstreaming. His achievement scores in all subjects are above grade-level compared with students of normal hearing; his verbal and non verbal intelligence scores qualify him for gifted programs with children of normal hearing; he comes from a very supportive and strong family with deaf parents who are highly educated professionals in the field of the deaf; his speech is partly intelligible to the trained ear and his lip reading is as good or better than many profoundly deaf students being mainstreamed today; he is a leader among deaf peers, often respected and sought by them.

From birth he has been in a total communication environment and from age 2 until graduation from eighth grade, he has attended center schools for the deaf. When he was 7 years old he was mainstreamed in the afternoons at the local public school with a teacher aide who knew some signs and kept him informed of what he needed to do. At the ages of 8 and 9 he participated in the public school program for gifted children which met one day a week. He had the services of a certified interpreter for the deaf. He asked not to be continued in the gifted program because of loneliness and isolation during recess, lunch, and play and his desire to be with his deaf peers for social interaction. His main conversational and social contact in the gifted program was his interpreter. At age 10 he attended an oral center school for the deaf where he stayed for three years. In his last year as an eighth grader he was mainstreamed in the local public school for English and pre-algebra while taking other classes at the center school. He was accepting of the mainstreamed classes as long as he had the center school to fall back upon for social contacts.

Upon completion of his elementary education he was enrolled in a private hearing high school and received the services of a full time certified interpreter. He is currently in his second year of high school. While he is being challenged educationally, his social and leadership needs are not being met. He has made only superficial acquaintances despite excellent efforts by a very competent staff at the private school and cooperative efforts at the local center school for the deaf.

Some of the other problems my son has experienced in the mainstream situation concerns the limitations of interpreting services. Often educators assume that with an interpreter one can be a full participant in his class or group. But the deaf individual is at the mercy of the skill level of the interpreter, not to mention the personality and all the other variables that one considers in determining the effectiveness of a regular teacher. So in this situation my son has had to deal with two human variables – the competency of the interpreter and if he's fortunate to have a competent interpreter, then he has to deal with the competency of the teacher with little understanding or knowledge of the deaf child's world. Then what about the times that the interpreter is out sick and there's no substitute or if a substitute is available, his competency is questionable? No involved parent would permit his/her hearing child to be taught by a teacher with poor command of spoken English, yet that's the equivalent of what can sometimes happen with my child with his interpreters.

With the interpreter in the classroom it is difficult for him to participate as equals with his hearing classmates. The interpreter is two or more sentences behind. Because of this lag, it is difficult for him to ask questions or make comments. He is very frustrated in this and he has to put up with this all day long. Also his visual contact is limited to this interpreter and it is very tiring and unnatural to be focusing all day on one person. In the center school environment, the interaction is spontaneous and my son can look at whoever has the floor, have visual interactions with that speaker, and contribute as part of the group.

An important part of high school life is being a part of the mainstream of the social and political life of the school. The social interactions within a school is a microcosm of the real world. Because of the communication barriers, his accessibility to the gossips, rumors, teenage repartees, and various communication based non academic school activities such as drama, student body government, etc. are limited. Because sports require relatively little communication, he can be a part of this – but his participation is limited to the times they practice and compete. He is not a part of his teammates verbal interactions in the sharing of their experiences they had that day – the joys, disappointments, planning of strategies, congratulations, etc. that go into bringing players together in an intimate way. He is missing out on the opportunities for learning to develop meaningful relationships, understanding social interactions and feelings, and being exposed to the multi-cultural and multi-socioeconomic backgrounds and experiences of his peers and such exposures are extremely important for the deaf child if he is to be prepared to be a part of the multi-cultural and multi-socioeconomic world that he will eventually be a part of as a wage earner and taxpayer. All these interactive experiences contribute to his developing social and leadership skills and are easily accessible to him in the center school for the deaf environment.

Another important part of his needs is to understand himself as a deaf individual – his identity. Hearing peers and adults in the mainstreamed world have very little expertise on how to survive and get along as a deaf individual. Simple things like how does one know where to get off at a train station when stops are announced over the speakers are shared by deaf peers. On a more sophisticated level, how does one get along with hearing people and in the hearing world in various situations as a deaf individual are shared by deaf peers and deaf adult role models in center schools for the deaf. Such peers and deaf adult role models have a wealth of experiences that are passed on to others. Some call it deaf culture – the art of survival as a deaf individual in a non deaf world in getting around one's limitations is shared and disputed in the world of the center school for the deaf. A mainstream setting does not provide this type of training and preparation on how a deaf person is to function in the larger hearing world.

Because of my wife's and my observations of our son's mainstreaming experiences, we are considering sending him to a center high school for the deaf next fall. In summary, despite efforts on the part of the private school, questions have been raised as to the most appropriate ALL AROUND program for him. Notice that we did not say most appropriate EDUCATIONAL program. It is the total development of our son that we are concerned about. Our son has flourished not only because of the unusual circumstances of his family background, but also because he spent his formative early elementary years in a center school environment where he learned about human relationships and getting along with others, and developed an understanding of himself with his assets and liabilities as a deaf human being while receiving an appropriate education. His confidence and security within himself comes not only from his family but also from his experiences in relating with and being accepted in a center school environment where he could understand and be understood by everyone and where he developed a strong sense of identify of himself as a valued and cherished human being.

Now we come to the second part of my presentation which is to share with you my observations and experiences as a professional in working with deaf children who have been mainstreamed. Many of the concerns and observations shared above about my son apply more seriously to these children as they do not have the advantage of well educated deaf parents with a comprehensive understanding of what it means to be deaf. These are the children that in many ways say to their parents, "You have to be deaf to understand."

Because of communication barriers their choice of peers is often limited. They must screen out those peers whom they cannot lip read. That leaves those hearing peers who are lip readable. Now the peers must be further screened to those who are willing to be patient with them and repeat or talk slowly. Then there are other screening processes that need to take place and they vary with each mainstreamed deaf child: is he willing to learn the sign language? Will he repeat what the others are saying? Does he like small groups or is he the kind of person that likes large groups? and so forth. By the time the screening process is complete, his choices become very limited. If he's fortunate to find a few who meet his criteria, then he may become possessive of such peers by constantly seeking them out and/or monopolizing the conversation so that he doesn't have to struggle to understand. This is not a normal way to choose or make friends. Friends are chosen because of similar interests, values, goals, activities, culture, etc., not because of whether the person is patient or easy to understand. Without the communication barriers, the deaf child can choose whom to accept or reject. The deaf child in the mainstreamed environment often has very limited choice of peers with whom he can develop meaningful relationships. In their intense desire to be accepted, they become vulnerable to undesirable influences. They get involved in activities that are visually and kinesthetically stimulating and require little communication for enjoyment (i.e. drugs, alcohol, sex, etc.)

Some such children often become withdrawn. I remember one 15 year old girl who was diagnosed as pre-psychotic and on the verge of a nervous break down; hospitalization was recommended. Fortunately her parents sought a second opinion and brought her to me. When asked how she perceived her difficulties, she shared her experiences in the mainstreamed setting. She was in a hearing classroom with three other hearing impaired girls. She explained that she couldn't understand the teacher and the other students, that she was unhappy and lonesome because she had difficulty making friends with hearing peers and that they were not patient with her. When asked how the three hearing impaired classmates were faring, she replied that they were hard of hearing and were able to follow what was happening and related more easily with the hearing peers. The more I listened to her, the more I was struck with how well she understood her environment and her helplessness. She recognized that she was withdrawing and no one seemed to be able to accept her explanation that it was very difficult for her to function as equals because of her communication problems. When I evaluated her, she proved herself to be gifted. Placement in a center school for the deaf was recommended — not hospitalization and not therapy unless adjustment difficulties in the center school became evident. The recommendation was followed. This bright young lady entered as a freshmen in this high school at a residential center school for the deaf and in three years graduated from high school after skipping her sophomore year. She went on to Gallaudet for her

B.A. and then for her M.A. at a hearing college and is a successful teacher of the deaf. This young lady's symptoms of withdrawal and unhappiness is what I call "a normal reaction to an abnormal situation". And such depression, loneliness and unhappiness is not uncommon among hearing impaired students in hearing environments.

I remember a boy who was borderline hard of hearing and deaf. In a quiet environment he could understand others while lip reading. With the use of an amplifier on the phone and the speaker choosing his words carefully, he could carry on a phone conversation. He was an outstanding athlete, a star on one of the high school athletic teams. Nevertheless, he talked about death and dying. He said that if he died, he would be able to hear. Outside of team sports, he had little social life. He shared with me many experiences he had at school such as his hearing peers being impatient at having to repeat for him or telling him that what was happening wasn't important. Sometimes he felt self-conscious because his hearing peers asked him to repeat. He sensed a distance between his peers and himself and didn't know how to get closer to them. He also had difficulty keeping up in the classroom, but refused interpreting services because he felt self-conscious. He felt inadequate as a human being and thought it was because of his personality that he had difficulty making friends. He had little or no understanding that many of his problems in relating with others were related to his hearing loss and not because of some defect in his personality. After several months of counseling he learned that many of his difficulties and his feelings of inadequacies were a normal outcome of his hearing loss and his self esteem improved. Then he was introduced to deaf peers like him at a party for deaf teenagers and from there the rest is history. He now accepts interpreters in the classroom. He is not concerned with developing close friendships with and being accepted by his hearing peers. He continues to take advantage of the offerings of the hearing world by being a member of the men's athletic league and he has brought several deaf athletes to be on the same team with him. Through his deaf friends he has learned more about himself. Although this is a success story, how much better would his mental health and self esteem be today if he had the advantages of the center school environment. What emotional scars does he carry as a result of these experiences? One can only speculate.

Not everyone I've met suffered in the mainstream situation or suffered because they did not have the benefit of a center school environment. I remember a lovely, enthusiastic young lady, full of life and brilliant, too. She was an excellent student. She had a few hearing as well as deaf friends. She was comfortable with herself and craved to learn more about life and herself. She had a positive outlook on life. It goes without saying that she came from a very loving and supportive family. She was comfortable with her deafness, but understood little about it. She was different than many others I know in that she wanted to know more about being deaf and how it affected her. She played the lead role of Sarah Norman in the annual high school play "Children of a Lesser God" and learned more about herself as a deaf individual. She was introspective, yet outgoing. I had high hopes for this young lady. Recently I bumped into her at Gallaudet College — still enthusiastic and lovely and still seeking to learn more about herself. She loved the college because as she said in her own words, "I've learned more about myself and my deafness and deaf culture in the few months that I've been here than I have in all the years of going to hearing schools and I love it. I wish I had learned this when I was younger." This blossoming of self understanding is a natural, ongoing and comfortable process that takes place in the center school environment where deaf children, deaf adult role models, and sensitive and aware hearing people blend together in interaction in fostering the total growth of these deaf children.

This testimony would not be complete without the sharing of my own experiences and my life. I also am a product of mainstreaming. Like the others described in this paper, I am gifted and come from a strong, supportive and well educated family. The experiences of the children described above are also my experiences. As I share with you the struggles of these children for identity, acceptance, and understanding, I am reminded of my own struggles as a child in search for myself. The children described here are more fortunate. They had early interventions as teenagers after making contact with a trained deaf professional who was able to quickly get to the root of the problem. Such professionals are rarely available in public school settings. My early interventions didn't take place until I finished college and then I had to spend most of my adult life understanding my identity and working through my anger at being deprived of the opportunity, no, my right, to grow up with deaf peers. My greatest personal growth took place, not in the mainstreamed environment with hearing peers, but in the center school world of deaf adults who understood my pain and my struggles as I understood these children's pain and struggles.

In closing, I feel as a person interested in the development of the whole child, the issue is not what's the most appropriate EDUCATIONAL program, but rather what's the most appropriate TOTAL program for deaf children. The children described above were all gifted. What about those less endowed? The children came from supportive and caring families. What about those less blessed? I feel the center school for the deaf experience offers the deaf child the best training and preparation for effective functioning in the hearing world as a deaf adult. Getting along with hearing people or in the so called hearing world is dependent not necessarily on the mainstreaming experience or what's called, "The Least Restrictive Environment", but rather on the child's understanding of himself as a deaf human being, and this is most easily acquired in the center school environment, otherwise described by many professionals in the field of the handicapped as "The Most Restrictive Environment". Ironic, isn't it.

This presentation has focused on the all or none type of educational programs and my perceptions on their effects on the deaf child's growth — the mainstream environment in which the deaf child is surrounded by hearing peers and the center school where the deaf child is surrounded by deaf peers. There are many programs throughout the U.S. that offer a compromise; the resource room within a hearing public school setting. Without a close look at such programs, it looks like a nice compromise; the deaf child has the "benefits" of both worlds. The deaf child spends most of his school day in the resource room with his deaf peers being taught by a trained teacher of the deaf and he may be mainstreamed in various non-academic classes like art, PE, recess, etc.

Usually in such programs, the expert on deafness is the teacher of the deaf. The support services are seriously lacking — i.e. psychologist, counselor, audiologist, supervisors, and administrators with expertise in the psychology of deafness. Some public school systems through the LEA may have access to some of these services, but they are not easily available for they are out in the field at other classes for the deaf. Also such programs not infrequently are unstable because the sites of such resource rooms are often changed every year meaning that the deaf child enters strange surroundings annually. This is in contrast to the center school where the entire team of professionals are there in one location and easily available to provide and coordinate support services quickly as needed; and the children return to familiar surroundings annually. If one further delves into these classes, one will usually find a wide range of abilities and ages within a classroom. It is difficult for such programs to provide the homogeneous groupings that a center school with a large number of deaf children can provide. The center school is in a far better position to meet the individual needs of each child with the greater opportunities to group the children homogeneously relative to age and ability. Then what about the deaf child being a part of the social and political life of the school? In a hearing school world and again because of communication barriers, he is missing out on the flurry of activities and relationships that take place within the public school complex. Also his choice of peers is severely restricted not only because of small numbers but also because of the heterogeneity of his group. Such programs offer few, if any, opportunities for barrier free communication enrichment activities for the deaf child to be a part of, i.e. intra-murals, sports, boy and girl scouts, Jr NAD, various clubs, etc. And these children go home to hearing environments functioning on the fringes among the neighborhood group of children.

As I come to the end of this presentation, I am aware that I have shared my observations and experiences, but have not offered any solutions. PL 94-142 was passed with the intention of offering parents greater involvement in the education of their children. In practice it has resulted in restricting the parent's choices. The parents have a say so in what will be taught and what kind of services will be provided. But they have no choice when it comes to the type of school setting they want for their child — the LEA or the Center School. There are some LEA programs that do an adequate job and the parents are happy with the program. Maybe the program has an unusually strong teacher or it happens to be fortunate in that it has a group of children that are similar in age and ability. Perhaps some parents prefer to have their children at home instead of living away at school. The choices should be available to them. In conclusion, I feel that the law needs to be modified so that it looks at the educational, emotional, and psycho-social needs of the deaf child and that parents are given the freedom to choose between the program offered by the local LEA or the Center School. Such modifications will go a long way towards carrying out the true intent of the law and that is to give each parent the opportunity to be involved in the educational planning of their deaf children and be able to influence not only what kind of educational plan, but also the kind of setting they want the plan to take place.

SAMPLE TESTIMONY

Commission On Education of the Deaf

Sandy Harvey

Mr. Chairman, Mr. Vice-Chairman, Distinguished Members of this Commission:

My name is Sandy Harvey. I am the parent of two children, the younger of whom is my 13 year old deaf son, Daniel. I come to you on behalf of an organization which represents over 1,000 parents from Northern California. I come to you to speak about the needs we see for our childrens' education. More urgently, I come on behalf of deaf children in our state and others who need and deserve the best education our schools can provide.

My premature son, who was diagnosed profoundly deaf at 10 months was born at a time when our country was acknowledgeing the value of, and its responsibility to, each of its citizens. By the time Daniel entered school, public law 94-142 was becoming a law familiar to all parents of deaf children. That law became our hope, our dream, to obtain the services our children needed and deserved.

We thought the law said our children had a right, a legal right, to a "FREE APPROPRIATE PUBLIC EDUCATION." The law said, FREE. Simple enough, we thought. To us free meant without cost.

Following heart surgery at about 18 months of age, my husband's company transferred us to Fresno, California. We had been using total communication with Daniel since his diagnosis. The local school district refused to use total communication in their programs until a child was 5 years old. After three frustrating weeks, we removed Daniel from the program. For the remainder of the school year I discovered "Free" meant driving him 80 miles daily to the nearest appropriate preschool. The rest of his day was spent going to private speech or physical therapy.

We began our quest for the perfect program. We found a program for two and three year olds in the bay area. Since Daniel was not walking, we were told that they could not accept him. At two and a half he began to walk and entered the program. Unfortunately, at three years of age, Daniel required heart surgery again. Upon being released from the Doctor, the teacher refused to take him back because he had missed so much and it would interfere with their end of the year achievement scores. For the last three months of school the only program offered to us was a once a week home tutor.

We found out that "FREE" meant fighting for proper assessment and diagnosis. FREE meant driving, for doctors, audiologists, psychologists, speech therapy and appropriate school placement. I found that FREE too often meant that the school would give my child services he needed, only if it could be arranged without expense or inconvenience to the district.

Our quest continued to Sacramento. Daniel spent the next two years in pre-school. At the end of the second year, his teacher became frustrated with his slow progress and asked to have some testing done. Unfortunately, the psychologist doing the testing could not sign and was unable to offer much useful information. From another parent, we heard about an assessment center for deaf children in the Bay Area. Eventually Daniel was evaluated. Daniel had an average IQ but had many severe learning disabilities. The assessment team offered ideas and suggestions on how best to help Daniel. That summer we hired a tutor to work with Daniel and we were pleased with the progress he was making.

Two weeks after Daniel started kindergarten the teacher set up a conference. She wanted to know if I realized that all of the children in her group, except Daniel, were ready to start reading? Also she stated that, she resented the outside suggestions and guidelines on how to teach deaf children. She asked me to consider a private tutor. I notified the program specialist of our meeting and she said it would be best to keep Daniel home from school for a few days until she straightened things out. One week later Daniel was transferred to a different school and put in a classroom with eight, nine and ten year old children. He had just turned seven years old. I requested a new IEP meeting.

Using the information from the assessment, we were able to write an IEP which met Daniel's needs. The teacher said it was appropriate but refused to sign it because she felt she could not teach Daniel and six other deaf kids with only one teacher's aid in her classroom.

No one wanted our beautiful little boy. No one wanted to be his teacher. He had done nothing wrong except to survive and because of that he had learning disabilities.

We filed a complaint and hired a lawyer the next day. Daniel did not go to school because we had no idea where to send him. The teachers union representative called to chat and it became apparent that our case was being used to get some teachers aids and interpreters in the classrooms.

In order to avoid going to court, we settled on placing Daniel in a small deaf program out of our district. This program consisted of one teacher, a teacher's aid and five children ranging in age from three to twelve years old. The teacher had no two children working at the same level so she saw no reason why she could not teach Daniel. For three years I drove Daniel 90 miles daily.

The law said "APPROPRIATE". Proper. Right for our children. What could be plainer? The law promised our children an appropriate education, geared to their individual needs.

Or so we thought.

The law promised our children a "public" education. This term we were sure we knew. Public. Within a community. In the mainstream. Among their peers. Among their friends.

Or so we thought.

We found, once again, a marked difference between our understanding of the term and what was provided our children. Some place between Congress and the school, the plain meaning of words had changed. In our son's schools, "public" meant hidden, down the hall, in the "special" classroom for "special" kids. Out of sight. Too often, out of mind.

Some of us found that "peers" meant whatever other deaf kids happened to live within the district boundaries. Different ages, different abilities, those were their peers, their only peers.

Finally, and most essentially, the law promised our kids an "education". Reading, writing, arithmetic. But more than this. Civics and sciences. Sports and student councils. Clubs and organizations. Activities. The things that our hearing kids did in and after school. All those things that combine to "round-out" our kids — to change academics to education.

Education, or so we thought.

After struggles which, for many of our families, have included leaving our homes, changing our careers, disrupting our lives and the lives of our other children, we have found, at last, a place which gives words the same meaning as we do. Which gives laws the same reading as we do. Which thinks, as we do, that our deaf children deserve better than they had experienced before.

My son is now fortunate to attend a school with a large number of other deaf children, with lessor and greater abilities, who share a common language, who feel a common pride, and who create a common identity. Where there are adults who share the same characteristics. Where there are realistic challenges to meet and real pride in accomplishments. Where there is a community of peers. Where appropriate means OPTIMAL, not adequate. Where learning is maximized, accomplishments are recognized, and lives are normalized. Where our children are normal kids.

Three years ago we moved to the Bay Area so that Daniel could attend the California School for the Deaf, Fremont. Let me tell you about my son now. Although I have seen no miracles in reading or spelling, his language has grown to a point that he can argue with me about wanting his hair cut short on top and he can tell you about his plans to work at McDonalds when he becomes 16. Frankly, he thinks he is hot stuff. He is a boy scout, belongs to 4-H, bowls, skis and is capable of riding his bike to the store to buy ice cream and come home with the right amount of change. He may not be capable of getting a High School diploma but we are certain he will become a tax paying citizen of the United States.

More than a decade ago, this nation promised its children – ALL of its children – the right to a free, appropriate, public education. That promise has not been kept. The promise has not been kept by a Supreme Court which holds that appropriate means "of some benefit", but not equal to the opportunities provided hearing children.

It is time, it is gravely and greatly past time, for this country to keep the promises it makes. It is time for Congress to tell our President and our Courts, that a free, appropriate, public education means a free, appropriate public education.

More than a decade ago, the law which made these promises went into effect. It is time now for that law and those promises, finally, and fully, to be given effect. For your efforts toward that end, I thank you.

SAMPLE TESTIMONY

Commission On Education of the Deaf

Marilyn Cassidy

My name is Marilyn Cassidy.

I had to bring my own prop man.

This book contains information on:
PL 99-371
20 USCA 24301
Legislative History of 99-371
The Babbage Report
Special Problems report 1980

This one contains:

PL 94-142
Legislative History of 94-142
34 CFR 5300
Manual 10
Siegel's: A Parents Guide to PL 94-142
Board of Education vs Rowley
Misc

This is the Parents Guide to IEP
Transcript of our Due Process Hearing

With all the laws and regulations that have been written on deaf education, the guide books for parents on how to be an equal participant in their child's IEP and the regulations to monitor compliance that are even now being revised, parents still can't get a free and appropriate public education for their deaf children in this country. In spite of all of these "rights" deaf children are still being abused under the guise of education and the parents are being denied the right or control to do anything about it.

I am very bitter that when my son was 14 months old, I was told by his school's program director that sign language was no longer used in educating the deaf, that it was the old fashioned method of teaching the deaf and that now all deaf children learned to speak. We then went through eight years and five oral programs doing everything they told us to do that was going to make that approach work and it wasn't working. I am bitter that we were denied the right in the very beginning to be informed on what were the methods for educating the deaf which would have allowed us to do what we were most happy to do, to take up our duty and our responsibility to make an informed contribution to the Individual Educational Planning future of my deaf child. I was robbed of that and I resent that. I see the harm that it did to my son. He spent the first eight years of his life without being able to communicate with anyone and I want to tell you the day I felt the impact, the pain of realization of part of the effect it had on him. When John was eight years old, they had finally gotten a total program in our district and we put John in it. Within the first couple of months I got a call from his teacher asking me about a yellow bird that had been killed in the closet door. That happened when John was 3 years old, 5 years earlier. I asked her how she knew about that . . . John had talked about it that day. It hit me that there must be hundreds of questions, confessions, expressions locked up in our bright little boy's mind that he had never been able to ask about or talk about. You see, he was the one who had accidentally killed the family pet in the closet door. I'm bitter that I was not equipped to help him with his feelings. I felt robbed. I believe it was abusive to our little boy and abusive to us as parents not to have been informed of the pro's and con's of oral vs total and that one program could not be appropriate for all deaf children.

I have concern about school districts labeling what ever programs they can patch together appropriate. When John was ready for junior high the district supervisor had directed the program heads not to IEP one more student out of her district. I asked the director to describe then what kind of placement we could expect for John the following year. He would be the only deaf student in a local school with a couple hundred hearing kids. He had the expressive language level of a 7 year old (expressive meaning that his teacher and myself were the only ones who could understand it) his reading level was not quite 1st grade. They would provide him with an aide tutor who could sign. A long way from being qualified to interpret in the classrooms. We decided to send John out of state for that year to a private school. But, on the paperwork, if you would have come for an On-Site-Review, an audit of John's IEP, you would have read that John had an appropriate program with all appropriate services being provided. Another family had to sign guardianship of their teenage daughter over to a family in the same town where the state school for the deaf was because they lost their state appeal. Ladies and Gentlemen: Many parents in this country have to give their children away to obtain the appropriate placement.

I don't want you to think that I'm saying that all of these laws, etc. are bad, some of them are excellent. I think the IEP process is wonderful, I've often wished that we could have IEP's for our hearing children. But as the Deputy Director of Special Education in our state said recently, "the IEP process looks great on paper, its when you bring in the human element that it breaks down." I want to tell you an example of that. Our twins were mainstreamed without an interpreter and without our approval. When we complained about it we were told that it had not been spelled out in our IEP and we could not hold them accountable for that. So, at their next IEP A YEAR LATER we spelled it out, they were to be mainstreamed with an interpreter. The school complied, they assigned a student teacher to be their aide interpreter. By the way, she signed up for her first sign language class the same week she became their aide interpreter. They had complied with the IEP. THE NEXT YEAR, we spelled out what we thought would be a qualified interpreter, but we didn't sign the IEP papers, we wanted to do some investigating as to what kinds of standards or guidelines were used for levels of qualification. Our IEP was in May, in June we went into the Superintendents Office and had it put on our IEP that we wanted a Certified Interpreter. Now I know that was asking for the moon, but our strategy was that if we asked for the top we might get someone who could start off with more than "my name is. . .". Of course, the school district did not sign that IEP, so we filed for our fair hearing. That was June remember, our hearing was held in October. We got the ruling in November, technically, the school was not required to follow any criteria in hiring their interpreters, but, Catherine and Clare were not receiving their free and appropriate public education. Was the system working? The school hired the new interpreter in March, 9 months after we filed for the hearing. It was a good thing we won, our transcript from our hearing was missing an important section of our key witness's testimony. Another family in due process at the same time complained of what they believed was transcript tampering also. As you all might know, if you lose at your district level you can appeal to the state. But, they make their judgment solely on your transcript, you do not go in person. That other family lost.

Let me ask you a personal question. If you were having an appendicitis attack right now and I told you that I had spent years of studying books on the perfect appendix removal operation and had attended hours of lectures by other people who had read the same books but had never actually done the surgery either, would you let me operate on you? I think not, and yet that is exactly what is happening to deaf children in this country, that is what happened to my son and he almost died on the operating table. Thank God that we were able to get him to a competent surgeon before it was too late. I feel bitter about a system that allows teachers, audiologists, program directors, district supervisors, state legislators who have absolutely no personal experiential knowledge or contact with the deaf community making decisions for my deaf children. The district we lived in wouldn't allow parents to visit either program, oral or total until after your child was IEP'd into one or the other. I was told that the only reason parents wanted to visit those classrooms was so they could gawk at my deaf children. It scares me to think of people with that mentality making decisions for my children. I took the next legal, logical step, I called our district compliance officer and filed a formal complaint. He ruled there was no violation.

There was a turning point in our experiences. Our family is unique, thank God, we got a second chance. When we realized there was a strong possibility that we would one day have a deaf daughter-in-law and two deaf son-in-laws and a bunch of deaf grandchildren, we decided to get more involved in the deaf community. The effect that had on us was we started meeting more deaf professionals. We asked them, "you're deaf, you're successful, what made the difference in your life? What advice would you give us? There was a continuity in their advice, I am focusing only on one, #1 Leave this state, it is not a good place to grow up deaf. We asked them to please list their recommendations of a good state for the deaf to grow up in. California was always on the top of the list. I have to tell you I fought that for 2½ years, I grew up hearing that the whole state was going to drop off into the sea someday (I'm still dealing with that fear). But my children are doing wonderful. John was eight and a half when he entered the Total program, he got his first spelling list that year. I remember it because I was so thrilled, now at last he was learning language and would learn to read. The list had words like cat, dog, red etc. a total of five words. To be able to give you the contrast, I asked one of the twins just before I came here, "how many words were there on that spelling test you scored 100 on? 76 and her list included words like endangered species. She is in approximately the same age range as John was, but she has been in an appropriate program. It was a good move. We had to move this family of 9 three thousand miles to find the Least Restrictive Environment for our deaf kids. The point I think I'm making is, please lets have people who have experience with deafness, deaf culture making decisions for our deaf children.

What I would like to see is a national resource center on deaf education and services established; to make it possible for every parent of a newly diagnosed deaf child to be put in touch with the most up to date, comprehensive information. Information encompassing every mode of educating the deaf. Contact with support groups including deaf communities and parent groups.

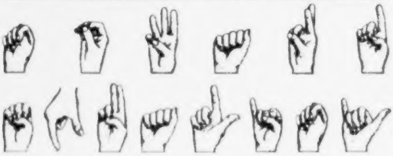
I believe that this commission wouldn't be faced with half the issues your having to address if the right, meaning qualified, people were put in the decision making positions. I think that it should be expected that anyone who was going to write regulations for the deaf, supervise programs for the deaf would be active in the deaf community. The devastating results of not having this is proven in Manual 10. I want it recognized that our deaf children's' needs are unique needs. As one example, Catherine and Clare are mainstreamed and that's appropriate. John is not mainstreamed and that is appropriate for him.

The fate of my children was after the Babbage Commission's contribution to the history of deaf education and life in this country for deaf people. I would like to leave here this week believing that what happened to my children, which I believe constitutes abuse against deaf children and their parents and families will not happen to my future grandchildren who will be affected by this commission's contribution to the history of the life of the deaf in the United States.

I sincerely and deeply thank you for this opportunity to share my experiences.

TOWARD EQUALITY

Education of the Deaf



A Report to the
President and the
Congress of the
United States ·
The Commission
on Education of
the Deaf ·
February 1988

Chapter 2

Elementary and Secondary Education

Summary

We feel a deep concern about what occurs in the early years of a deaf person's life, through childhood, and adolescence. Whether an individual's hearing is impaired or not, these are the critical, formative stages, which so markedly influence the later attainment of success and happiness. Failure of the educational system to supply the spectrum of services to which a deaf child is entitled under the provisions of the Education of the Handicapped Act (EHA) can—and all too often does—stunt an individual's natural growth toward mature, fully functioning adulthood; or, in a word, toward equality.

In 1975 when EHA was enacted, there was already a tendency to encourage deaf children to attend public schools close to home rather than special or residential schools. This was due in part to the maternal rubella epidemic of 1963-65, which caused deafness—and often other handicaps—in thousands of newborns. By the time these children were ready for school in the 1970's, their influx put heavy, unexpected demands on residential schools at a time when enrollments were declining (leaving excess classroom space) in the regular elementary schools. EHA, declaring the right to appropriate education, with its emphasis on an individualized education program to be tailored to the unique needs of the individual child, resulted in more deaf children moving into local public school settings, usually interpreted to be the least restrictive environment (LRE). As a consequence, in recent years (1978-86), while special-school enrollment was declining, due mainly to the departure of the so-called "rubella bulge" generation, attendance of deaf children in regular schools was rising.

Of the children thus "mainstreamed," only about half actually experience any true integration, even on a part-time basis. Due to a lack of understanding of the nature and diversity of hearing impairment, the unique communicative, linguistic and social needs of the deaf child have seldom been met appropriately, particularly in the mainstream setting, despite the Education of the Handicapped Act. LRE has too often been regarded as synonymous with mainstreaming; the regular classroom placement, even with supplementary aids and services, is often inappropriate.

Little weight is given to the value of using the method of communication the child has been accustomed to as part of his or her total program. (In fact, almost unrecognized is the legitimate status of American Sign Language (ASL) as a full-fledged native minority language to which all of the provisions of the Bilingual Education Act should apply.) Also too seldom recognized is the need for a deaf child to have other deaf children as part of his or her peer group, and to be exposed to deaf adults.

Nor are the rights and preferences of either parents or children sufficiently respected. Support staff are frequently inadequate and ill-trained.

These are a few of the shortcomings that our numerous recommendations are intended to remedy. One of our goals with the highest priority in educating deaf children is to facilitate, by all available means, their acquisition of English. To be without a firm grasp of the English language is to lack the "password" that permits entry into society—and achievement of equality of opportunity.

Educational and Legislative Trends

Changes in student enrollment, educational legislation, and student placement have greatly influenced the elementary and secondary educational systems serving students who are deaf.

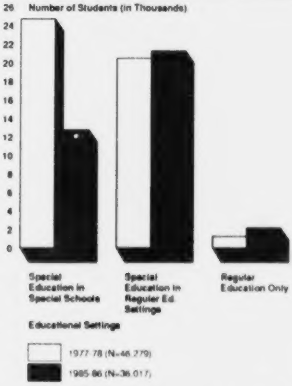
Just as educational options for all handicapped children have increased, so have educational options for deaf children in particular. These options evolved from the special schools of the early 1800's to the current range of educational settings. However, many issues such as appropriate education, least restrictive environment, parents' rights, assessment and evaluation, and program standards, which are centrally relevant to the unique needs of these children, remain unresolved. Before making recommendations in specific areas, the Commission took careful note of the following educational and legislative trends.

While the total number of deaf students in elementary and secondary education declined by 22 percent from 1978 to 1986, the number served in local school settings actually increased.

The Annual Survey of Hearing Impaired Children and Youth (Annual Survey) conducted by the Gallaudet Research Institute covers approximately 80 percent of deaf students within the United States who receive special education services. Data collected over the past decade show a noticeable drop in the number of deaf elementary and secondary students: In the 1977-78 survey, data on 46,279 students were reported; by 1985-86, the number had gone down to 36,017. This 22-percent decrease was due primarily to the exit from the school system of students whose deafness resulted from the rubella epidemic of 1963-65.[1]

That epidemic confronted educators in the 1970's with a unique situation: As the general elementary school-age population began to decline for the first time in decades, leaving unused classroom space, the school-age deaf population began to burgeon. Residential schools for the deaf simply did not have the space to handle the new wave of students.[2] The result was an inclination toward accommodating deaf children closer to home in public schools, a trend accelerated by the passage of the Education of the Handicapped Act and similar state legislation. The trend has continued, as illustrated in figure 2.1.

Figure 2.1: Numbers of Hearing-Impaired Students (6-19 Years Old) **in Three Educational Settings**



Source: T. E. Allen, M. A. Karchmer, and S. C. Brown, *Deaf Students and Their Schools: The Changing Demographics* (Washington, D.C.: Gallaudet Research Institute, in press).

Since the 1965 Babbidge Committee Report, the most important federal legislation affecting the education of children who are deaf has been the Education for the Handicapped Act, Public Law 94-142, which sought to assure all handicapped children a free, appropriate public education.

Ten years after the Babbidge Committee Report, the Congress enacted the Education of the Handicapped Act (EHA),[3] which provides federal funds to states to assist in identifying, evaluating, and appropriately placing handicapped children.[4] States seeking the funds must develop policies that all handicapped children have available to them a free appropriate public education.[5] The Supreme Court defines it as:

> "educational instruction specially designed to meet the unique needs of the handicapped child, supported by such services as are necessary to permit the child 'to benefit' from the instruction. Almost as a checklist for adequacy under . . . [the EHA], the definition also requires that such instruction and services be provided at public expense and under public supervision, meet the States' educational standards, approximate the grade levels used in the State's regular education, and comport with the child's . . . [individualized education program (IEP)]. Thus, if personalized instruction is being provided with sufficient supportive services to permit the child to benefit from the instruction, and the other items on the definition checklist are satisfied, the child is receiving a 'free appropriate public education' as defined by . . . [the EHA]."[6]

To effectuate these policies, the state must submit formal plans to, *inter alia*, assure that:

> "to the maximum extent appropriate, handicapped children . . . are to be educated with children who are not handicapped, and that removal of handicapped children from the regular educational environment [should occur] only when the nature or severity of the handicap is such that education in regular classes with use of supplementary aids and services cannot be achieved satisfactorily."[7]

The federal and state views have also changed from those automatically placing students in special programs for the deaf to those espousing a preference for educating students who are deaf in regular classes, based on an assessment of individual needs.

The Education of the Handicapped Act and similar state legislation have had their greatest impact on younger deaf students, resulting in larger numbers of these students being placed in local school settings.

Although the decline in special school enrollment coincided with the enactment of the Education of the Handicapped Act and similar state legislation, the decrease in the number of deaf students attending special schools was not due solely to the passage of these laws. In fact, the number of 6- to 9-year olds enrolled in 1977-78 was virtually identical to the number of 14- to 17-year olds enrolled in 1985-86, indicating that the number of students placed in special schools in that age cohort (group of students followed over a specific time period) tended to remain constant. The reduced enrollment in special schools was due, in large part, to an overall decrease in the number of deaf students, but also in part, to a decline in the number of *new* 6- to 9-year-old students being placed in special schools. Meanwhile, the number of 6- to 9-year-old deaf students in local education programs for the deaf went up by approximately 1,100. Thus, the increased enrollment of deaf students in local schools was due primarily to the number of young students who were initially placed in that setting.[8] It is possible, too, that some of the increase in the percentage of deaf students in local programs was due to the inclusion of students with milder hearing losses in the count of deaf students.

An increasing number of older students may be entering special schools after spending their primary grades in local school settings.

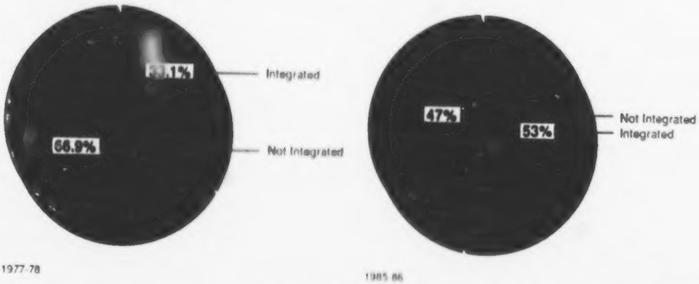
As the current 14- to 19-year-old students leave the secondary school system, the enrollments at special schools could undergo further decline. However, student placement decisions are far from stable, and it is quite possible that a greater number of older students will enter special schools after spending their early grades in a regular school. Recent analyses of a single cohort within the Annual Survey data base suggests that students between the ages of 14 and 18 are now much more likely to move from local schools to special schools than the reverse.[9] Deaf students, after their education in the elementary grades has been appraised as inappropriate, may be entering special schools at the secondary level.

Only about 50 percent of deaf students who are placed in local school settings experience any degree of academic integration.

Despite the increased percentage of deaf students attending local public schools, it is erroneous to assume that they are all fully integrated or mainstreamed into classes with hearing students. However, figure 2.2 suggests that the hours of integration for academic subjects are increasing: In 1977-78, approximately 33 percent of the students were academically integrated at least part time; in 1985-86, 53 percent of the students were reported as academically integrated to some degree.

Among those students who spent at least part of the school day with hearing students, there was a slight increase in the percentage spending 15 or more hours per week integrated during academic instruction (see table 2.1).[10]

Figure 2.2: Percentages of Hearing-Impaired Students (6 19 Years Old) **Academically Integrated at Least Part Time**



Source T E Allen M A Karchmer and S C Brown *Deaf Students and Their Schools The Changing Demographics* (Washington D C Gallaudet Research Institute in press)

Table 2.1: Hours of Academic Integration for Students Integrated at Least Part Time.

Hours of Integration	**1977-78**	**1985-86**
1-5 hours per week	23 9%	20 6%
6-15 hours per week	24 5%	22 9%
More than 15 hours per week	52 0%	56 6%

Source T E Allen M A Karchmer and S C Brown *Deaf Students and Their Schools The Changing Demographics* (Washington D C Gallaudet Research Institute in press)

Students who are members of minority groups are less likely to be fully mainstreamed

Corresponding to national figures for the entire school-age population, the proportion of deaf students who are members of minority groups is increasing The data also show a change in the ethnic background of students being served in various settings. While the percentage of blacks has remained constant, the percentages of Hispanics and students with other ethnic backgrounds (particularly Asian-American) have increased Although the proportion of minority students participating in regular education has increased, the likelihood of their becoming *fully* mainstreamed has actually decreased.[11]

Students with milder hearing loss and fewer additional handicaps are more likely to be fully mainstreamed.

As might be expected, students with milder hearing losses are more likely to be educated in some type of regular education setting than are students with more profound losses. Less-than-severe hearing impairment is typical in regular education settings, with profound hearing loss typical in special schools.[illegible]

The prevalence of additional handicapping conditions between 1977-78 and 1985-86 has not changed greatly; however, with the decrease in rubella as a cause of deafness, it would be expected that learning disability, a handicap commonly associated with rubella, would decrease proportionately. This has not occurred; in actuality, there has been an increase in the number of students identified as having learning disabilities.[illegible] The 1982-83 Annual Survey showed mental retardation, learning disabilities, and emotional and behavioral problems to be the most common additional handicaps.[illegible] Orthopedic impairments, epilepsy, and mental retardation are also on the increase.[illegible] Again, pupils who attended classes exclusively in some type of local program were less likely to have additional handicaps.

Implications of Deafness for English Language Acquisition, Communication, and Reading

Most children who are prelingually deaf experience serious difficulties and delays in acquiring English language skills.

The age at which hearing impairment occurs influences the language base which a person uses throughout life. Persons who become deaf after learning a spoken language (postlingually) can continue to use those language skills in later educational and social contexts. However, this is true for only about 5 percent of children who are deaf. The other 95 percent are either congenitally deaf or lose their hearing before they have had the chance to acquire English or other spoken language skills (prelingually).

The prelingually deaf population can be further divided into two groups: those with hearing parents and those with at least one deaf parent. Because approximately 90 percent of deaf children have hearing parents, these children are initially exposed to spoken language in their homes. Although lip reading provides some language learning cues to the child, at most only 40 percent of the sounds produced in the English language is visible on the lips. While intensive auditory intervention may greatly enhance the speech reception of some, other young deaf children may understand as little as 5 percent of what is said to them.[illegible] The process of acquiring a spoken language is very difficult for a child who does not have access to the full range of auditory stimuli.

The remaining 10 percent of deaf children have at least one deaf parent, and many of these children are exposed to American Sign Language (ASL) as the first language in their homes. They progress through sequences of ASL development comparable to the way hearing children learn English. Researchers analyzing the linguistic characteristics of ASL have determined that it is a natural and complete language, similar in complexity and expressiveness to spoken languages. (ASL should not be confused with manually coded English sign systems—e.g., Signing Exact English, Seeing Essential English—which are *not* languages but which are used in educational settings. See the section in this chapter about American Sign Language.) Children who use ASL are generally confronted with learning English as a second language when they begin school.

A child without a strong language and communication base faces barriers that often lead to further educational difficulties.

The major barriers associated with deafness relate to language and communication. Many children who are deaf, unlike most children who hear, enter the educational system without a competent language base. Learning a language—any language—is such a complex process that it is not yet fully understood even by researchers. We do know, however, that learning a language requires interpersonal interaction and ample communication opportunities.

In traditional educational settings, the context of social discourse, which goes far beyond the spoken word, is often taken for granted. This context is replete with unspoken subtleties unavailable to the deaf child, who is thus isolated from the process through which hearing teachers and students normally interact. As one educator put it:

> "A major obstacle presented by early profound deafness is the isolation of the individual created by a rupture in the process through which people normally establish interaction, communication, and language."[17]

It is the role of the school or program to create the environment of learning that maximizes the language acquisition process of deaf children. To do so requires highly trained specialists who understand the fundamental principles of developmental psycholinguistics, and also frequently requires a residential placement that will reinforce these principles 16 hours a day rather than the traditional 5-1/2 to 6 hours afforded during the regular school day.

Since reading ability is highly correlated with prior English language knowledge, many students who are deaf also have difficulty becoming proficient readers.

The ability to express or comprehend language in written form is closely allied with the ability to express and comprehend language through face-to-face spoken communication. The relative success of traditional reading methodology has thus been heavily dependent upon a student's prior grasp of spoken English. Since most deaf students do not have a strong English language base to build on, many of them do not read as well as their hearing peers.

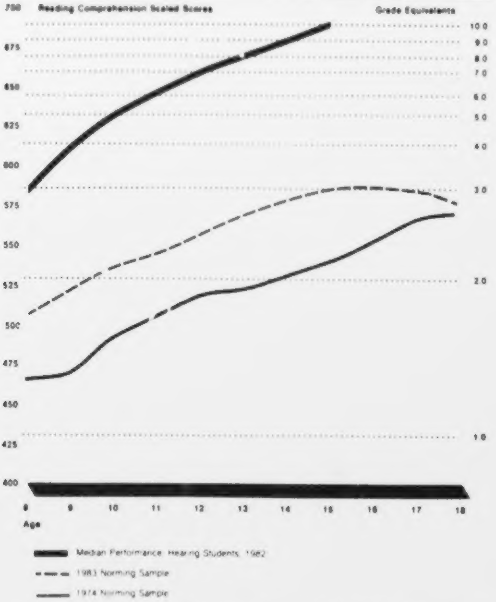
> "The poor reading performance of most deaf students may be viewed within an interactive theoretical framework in which the reader uses specific skills (e.g., decoding and inference) to hypothesize at various linguistic levels (e.g., lexical, syntactic, semantic, textual) about the information contained in the text. . . . Reading difficulties of deaf students may be attributed to deficits in experiential (e.g., world knowledge), cognitive (e.g., inferencing), and linguistic (e.g., word knowledge) variables."[18]

The educational system has not been successful in assisting the majority of students who are deaf to achieve reading skills commensurate with those of their hearing peers.

A variety of demographic variables and test factors must, of course, be taken into account when attempting to compare student reading achievement levels between groups of students over a period of time. Nevertheless, the evidence clearly shows that the majority of deaf students have not been helped to achieve academically at a level equal to that of their hearing counterparts. Figure 2.3 shows some improvement in the reading scores of deaf students (particularly in the early years) over the past decade, as measured by the Stanford Achievement Test, but also illustrates the fact that many deaf students continue to score much lower than their hearing peers.[19] However, it must be pointed out that these data reflect only the scores of deaf students receiving special education services and do not include students who receive no special services from their schools. Some deaf students do achieve much higher reading levels.[20]

Thus, for the majority of deaf children, acquiring English language skills poses a tremendous challenge. Even with amplification and training designed to maximize the use of residual hearing, the majority of prelingually deaf children will require special intervention if they are to develop English language competency.

Figure 2.3: Mean Reading Comprehension Scaled Scores for Hearing-Impaired Norming Samples, Broken Down by Age (Plotted With Median Performance of Hearing Students)



Source: T. E. Allen, "Patterns of Academic Achievement Among Hearing Impaired Students: 1974 and 1983," in A. N. Schildroth and M. A. Karchmer (eds.), *Deaf Children in America* (San Diego, Calif.: College Hill Press, 1986), p. 164.

Recommendation 3

The Congress and the Department of Education should ensure that facilitating English language acquisition in students who are deaf (including vocal, visual, and written language) is a paramount concern guiding the implementation of exemplary practices; the establishment of program models; the determination of research priorities; the design of curricula, materials, and assessment instruments; and the provision of professional and parent training. Language acquisition should be a top priority in federally funded research.

Exemplary practices, programs, materials, and assessment instruments should be developed based on research findings from the fields of deaf education, psycholinguistics, reading, human cognition, and second language acquisition.

Appropriate Education

> "'Appropriate' meant appropriate. Proper. Right for our children. What could be plainer? The law promised our children an appropriate education, geared to their individual needs. To us, that was the end of the matter. The law promised. The law would provide.
>
> "Or so we thought.
>
> "We found that 'appropriate' meant, at best, 'adequate.' 'Good enough.' Not too costly, and not too troublesome. We found that, for our children who could not hear, 'appropriate' meant placement in a classroom with children who could hear. 'Appropriate' meant a few hours a day with a teacher minimally qualified to teach deaf children. 'Appropriate' meant depending on a poorly qualified sign language interpreter six hours a day. 'Appropriate' meant being the only kid in the class with your very own grown-up hanging on your heels all day long.
>
> "'Appropriate' meant spending six or eight years of your life in a classroom with all the same kids, and often the same teacher. 'Appropriate' meant being a special kid in a special class down the hall, and away from the 'normal' kids.
>
> "'Appropriate' meant growing up not knowing that you were part of a community of deaf people. Growing up thinking that upon graduation you would somehow become hearing—after all, you'd never seen a deaf adult. 'Appropriate' meant being embarrassed at your voice, your oversized 'body aids,' and the 'strangeness' of your signs. 'Appropriate' meant denying every aspect of your identity that set you apart, and striving with all your might to look, sound, and be just like a 'normal kid.'
>
> "'Appropriate' meant not expecting too much. Not having responsibilities. Not trying the things that teachers 'knew' deaf kids couldn't do. Not making waves. Not disrupting the system. In short, we

> found that appropriate meant letting our kids in the schoolhouse door. But not assuring they learned *anything* once inside."[21]

Despite the Education of the Handicapped Act's primary goal of an appropriate education for each handicapped child, many children who are deaf are not receiving special educational and related services appropriate to their unique needs. The low incidence of deafness coupled with its unique ramifications means the needs of children who are deaf are easily and frequently neglected.

Despite the Education of the Handicapped Act (EHA) and similar state legislation, the Commission finds that many children who are deaf are receiving inappropriate and inadequate educational services, if indeed they get any special services at all. Many educational administrators and school officials responsible for implementing EHA do not recognize the unique ramifications of deafness. They seem to assume that the services they provide do meet the needs of children who are deaf. What constitutes an "appropriate education" for each child is too often determined by placement, rather than by educational and related services to meet the child's particular needs.

EHA specifies that education programs for handicapped children, in order to be *appropriate*, must emphasize "special education and related services designed to meet their unique needs."[22] These special services must comport with each child's individualized education program (IEP), as formulated in accordance with the evaluation and placement process specified in the act and its implementing regulations. The trouble is, many educational personnel are simply unaware of the unique needs of children who are deaf, and thus fail to identify and meet these needs.

The educational needs of many children who are deaf are intensive.

Education is a multifaceted and complex process that takes more than just a teacher imparting information to a student. The educational process occurs through human interaction for the purpose of transmitting knowledge. Interaction is active; students are not passive receptors of knowledge, but rather participants in complex interactive behaviors which, taken together, can be called culture.[23] The design of an IEP is, then, a design of a cultural experience. The factors selected for the IEP affect what interactions will or will not occur.

The Commission finds that the following factors should be considered when designing an IEP for a deaf child:

- communicative needs and the preferred mode of communication,
- linguistic needs,

- severity of hearing loss and the potential for using residual hearing,
- the child's academic level and style of learning,
- social needs,
- placement preference,
- emotional needs,
- individual motivation,
- cultural needs, and
- family support.[24]

The particular needs of a given child may require the expansion or revision of this list. Its main purpose is to identify areas decisionmakers should consider as they develop an IEP that will provide an appropriate education for a child who is deaf. As an example of a possible change in the list, life planning and postsecondary goals should be considered for secondary age students. We regard this recommendation as among our most important. The terms "appropriate" and "unique needs" are prominent in EHA and must be given great weight. Discussion of each factor follows:

1. Communicative needs and the preferred mode of communication. Communicative needs and preferences vary widely and deserve careful consideration. A key issue is the primary means of communication to which the child is accustomed. It is this that should dictate the educational setting—not the other way around.

Educators should take into consideration the child's ability and the opportunities provided to communicate freely with others, whether they are hearing or not.

It is essential that the parents believe in whichever communication method is chosen for their child's educational program. Parents should be consulted, and their wishes should be given serious consideration. (Many parents complained to us that this does not happen.)

2. Linguistic needs. A child's language abilities (first and second languages) should be identified. A strong language base is of paramount importance if the child is to gain an education and be able to communicate with those around him or her. Regardless of the degree of the child's hearing loss, communicative and linguistic needs should be an integral part of the child's IEP.

3. Severity of hearing loss and the potential for using residual hearing. Not only must the degree of a child's hearing loss be determined but also how well the child uses any residual hearing. The latter helps determine the need for hearing aids or other assistive listening devices, but this information alone is not predictive of educational choice or proper placement.

4. Academic level and style of learning. A child who is deaf should not be placed in a program where other students are at an academic level either significantly beyond or behind his or hers. The proposed IEP should be designed to ensure that satisfactory educational progress be provided for. This progress should be measured against the "norms" of comparable children in the state.

Whether deaf or not, a child must feel comfortable in the environment in order to learn well. Deaf children can learn as much as hearing children. However, in some cases, they have different learning styles. How learning occurs needs careful consideration because learning situations vary with the curriculum and type of classroom. How the child learns most effectively should drive decisions about the appropriate program.

5. Social needs. Interaction with peers is essential for self-esteem. To be among peers means to be able to communicate freely with them. It is critical that children who are deaf be among peers with whom they can communicate and interact comfortably, and who are in the same age range (no more than 2 or 3 years age difference). These peers—often, other children who are deaf—serve as models for learning appropriate social behavior and developing a self-identity. More than that, a child who is deaf should be placed where his or her needs can be met by meaningful participation in after-school or extracurricular activities. This is typically more significant for older children of secondary age who need to learn mature social relationships and behavior.

Appropriate role modeling is not only dependent on sufficient peer interaction, but also on exposure to adults, especially adults who are deaf. A "world" without adults who are deaf can severely limit a deaf child's social development.

6. Placement preference. The child has a strong vested interest in a placement decision, and the child's own opinions and preference deserve full consideration. Since parents must live with the educational placement decisions, their wishes should be given consideration and sincere attempts made to accommodate them.[15]

7. Emotional needs. For any child, handicapped or not, a positive self-concept is crucial. Emotional stability and maturity are often problem areas for children who are deaf. If a child has low self-esteem, tends to withdraw, or exhibits inappropriate behavior, his or her educational program should seek to improve the child's emotional well-being. Both the home and school environment must be evaluated to determine if modifications are needed. Such a child may need peers and adults who are deaf for healthy self-esteem, and a change to center school placement may be an effective solution.

8. Individual motivation. A child's personal or career aspirations should play a large role in a placement decision and should be given serious consideration.

9. Cultural needs. Culture is knowledge that gives individuals a shared understanding of what are accepted behaviors and values. It enables the world to become expected and anticipated; individuals can gauge their place in it. Differing cultural standards, when not recognized, can interfere with the learning process in the classroom in a major way.

While a child's culture should be respected, an understanding of the values and behaviors of another cultural group may be essential to an effective interaction with that group. Specific cultural factors, when relevant, should not be overlooked.

10. Family support. The family, particularly the parents, are the most important part of a child's support system, whether that child hears or not. But families need assistance in understanding deafness and in learning new skills that will help the child and family do well. The program should train parents to use whichever mode of communication their child uses.[26]

In response to our draft recommendation,[27] the Department of Education's Assistant Secretary, Madeleine Will, fully supported the concept that the basic factors we suggested should be taken into consideration in order to:

> "create the most facilitating educational environment for children who are deaf. It is this *total* learning environment on which we must focus. It is the total learning environment which we must strive to create in all academic settings where deaf children are educated."[28]

She, however, emphasized:

> "The educational needs of the child should be the principal concern of the IEP committee in making placement decisions. To the extent that any of listed factors can affect the educational needs of any handicapped child, including one who is hearing impaired, these factors should be taken into account; similarly, persons performing

> evaluations should explore these factors where it is possible that the factors would inform the evaluators as to the child's educational needs. The information obtained from such an evaluation will often be vital to the people making IEP and placement decisions. The Department does not believe that any change in Federal policy is needed to achieve these objectives."[49]

We were told that due to the low incidence of deafness, coupled with its unique ramifications, many children's needs, particularly those listed above, are frequently neglected. We also heard that confusion still reigns over what constitutes the educational needs which should be taken into account in placement decisions. Thus, we recommend that the Department of Education identify the listed factors as possible educational needs. The Department of Education should also state that once the listed factors, as well as other factors, are identified as actual needs, no educational program can be considered appropriate unless it meets these needs through special instruction, staff, equipment, services, and environment.

As articulated by one legal advocacy agency for deaf persons,

> "A policy that requires consideration of all significant and relevant factors that make up the unique educational needs of a deaf child should lessen the likelihood of an erroneous placement decision."[50]

Recommendation 4

The Department of Education should provide guidelines and technical assistance to state and local educational agencies and parents to ensure that an individualized education program for a child who is deaf takes into consideration the following: severity of hearing loss and the potential for using residual hearing; academic level and learning style; communicative needs and the preferred mode of communication; linguistic, cultural, social, and emotional needs; placement preference; individual motivation; and family support.

Least Restrictive Environment

> "We feel betrayed by a government which puts our children in regular classrooms, with teachers overburdened and underqualified, in the name of freeing them from 'restrictive' environments. We feel betrayed by a rule which says our children must fail in those classrooms before being allowed to succeed in programs designed for their unique needs. . . . . We feel betrayed by a government which says a 'continuum' means a regular school, always a regular school and only a regular school, no matter what our children truly need. . . . We are tired, so very tired, of bureaucrats who forewarn us 'not to get hung up' on least restrictive environment. . . ."[51]

The least restrictive environment concept has not been appropriately applied by federal, state, and local educational agencies for many children who are deaf.

What constitutes an appropriate education in the least restrictive environment? This is an explosive question that has provoked the most debate and confusion in the education of children who are deaf. The Commission received more input regarding LRE than on any other issue. Parents, deaf consumers, and professional personnel of all persuasions have, with almost total unanimity, cited LRE as the issue that most thwarts their attempts to provide an appropriate education for children who are deaf. They reported that many placement decisions were made with no regard for the potentially harmful effects on the child or the quality of education to be provided. As a consequence, these decisions were so detrimental that the resulting education was not appropriate to the child's needs.

Of fundamental importance to the education of children who are deaf is the way placement decisions are made. At issue is the implementation of the LRE provision, which states that "to the maximum extent appropriate," a handicapped child is to be educated with children who are not handicapped.[illegible] Although this reveals the strong congressional preference for placement in regular classrooms,[illegible] a preference is not a mandate. EHA does specifically permit the child to be placed in a special class, separate school, or other settings (other than the regular classroom)—although only when the nature or severity of the handicap makes it unlikely to achieve a satisfactory education in the regular classroom, even with the use of supplementary aids and services.[illegible]

The Department of Education's regulations implementing LRE require each local educational agency (LEA) to make available a "continuum of alternative placements" for the education of handicapped children. This continuum includes regular classes, special classes, and special schools.[illegible]

LEAs must ensure that every handicapped child's placement is determined annually in the individualized education program (IEP), and as close as possible to the child's home.[illegible] LEAs must also ensure that the various alternative placements are available to the extent necessary to implement the IEP for each handicapped child,[illegible] and that unless the IEP requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped.[illegible] In selecting the least restrictive environment, consideration must be given to "any potential harmful effect on the child or on the quality of services which he or she needs."[illegible] The placement decision must be primarily an individualized one:

> "... some of the main factors which must be considered in determining the extent to which a handicapped child can be educated

> with children who are not handicapped. *The overriding rule in this section is that placements must be made on an individual basis.* The section also requires each agency to have various alternative placements available in order to insure that each handicapped child receives an education which is appropriate to his or her individual needs."[40]

LRE is a placement issue, which should be considered in the context of the goals and objectives in each child's IEP. In other words, LRE should be considered only after the IEP has been developed.[41]

We recognize that for some handicapped children, an "appropriate" education has been secured in large part, and, that for these children, the Department's emphasis on LRE is sound. However, voluminous testimony presented to us indicates strongly that this is not yet the case with most deaf children. We emphasize that they too are entitled to an "appropriate education," and must be assured it. At present, many are *not* getting it.

The Department of Education's proclamation that LRE is "the core value" has led to a great deal of confusion and misinterpretation about the primary provision of appropriate education.

The provision of an appropriate education is paramount. LRE, a purely *placement* issue, is secondary.

The Department of Education has nevertheless focused on LRE as the primary value on which the education of handicapped children must be based. On January 8, 1985, Assistant Secretary Will emphasized the importance of LRE:

> "Education in the . . . [LRE] is what I envision as the last barrier to full implementation of Public Law 94-142. This concept is becoming the cornerstone upon which federal special education policy is being built. It certainly is the core around which my own beliefs about special education have evolved in terms of early childhood programming, school age programming, transition services and adult services. In my own mind all have evolved with the concept of least restrictive environment as *the core concept*."

As reflected in this statement, the Department and Assistant Secretary Will have, through technical assistance and compliance activities, created the impression among placement decisionmakers that their main concern *should* be LRE rather than appropriate education. At the same time, they have paid little attention to the probability of overlooking children's unique needs. They have said that there is a role for special schools. Most recently, they acknowledged that "In some cases, separate environments have been recognized as the least restrictive for some individual children."[42] However, this and other statements are less well circulated and publicized than their pronouncements on the virtues of integration. As a result, many children receive inappropriate education or no education at all, the very same problems that prompted the passage of EHA more than 12 years ago.

Recommendation 5

The Department of Education should refocus the least restrictive environment concept by emphasizing appropriateness over least restrictive environment.

The National Council on the Handicapped's call for clarifying language to assure proper implementation of LRE is in essential agreement with our recommendation.[illegible]

The Department of Education incorrectly interprets LRE as eliminating curriculum content and method of curriculum delivery as factors to be considered in the placement of a child.

In its monitoring manual for compliance with EHA requirements, the Department of Education says that placement cannot be based on one or more of the following factors: category of handicapping condition, configuration of the service delivery system, availability of educational or related services, availability of space, and curriculum content or methods of curriculum delivery.[illegible] This prohibition does not appear in EHA nor in its implementing regulations.

The Department of Education explained that a removal from the regular class must be based solely upon the individual educational needs of the student, not upon the category, availability of services, or administrative convenience of the local agency.[illegible]

While we agree that placement decisions should not be made out of administrative convenience, we disagree with the Department's unqualified position that placement based on curriculum content or methods of curriculum delivery would always be for "administrative convenience," and would never be based on the child's unique needs. Clearly, for some children, curriculum, instruction, and services *are* of central importance in their placement. As explained earlier, what many individual children need may not be provided in the regular class or with the regular curriculum.

Regular educational settings are appropriate and adaptable to meet the unique needs of only some children who are deaf. There are cases when the nature of the handicap dictates a specialized setting, that provides structured curriculum and/or special methods of teaching and focuses on visual presentation of information. Some children need instruction on developing concepts in their first language before a second language is introduced. Others need slower, more direct instructional methods in both general and specific academic areas. Most require intense English language instruction that provides concepts, practice, generalization, and reinforcement of language development. In some cases, a "critical mass," or minimum number of deaf students being educated together, will facilitate the most cost-effective delivery of educational services.

"Manual 10" precludes school officials and parents at an IEP meeting from considering instructional methodologies or content in placement decisions, even when they are required by the nature or severity of the child's handicap. Yet, it would be contrary to the avowed goal of an appropriate education *not* to consider the child's curricular needs. As one educator puts it, "Under these circumstances, . . . [placement decision makers are] shooting in the dark."[56]

The question is not whether a school has special curriculum or delivery methods, because the school is still required either to make those available or adapt its current provisions and techniques whenever necessary to meet the child's goals and objectives.[57] Rather, the question is whether what is provided is appropriate to meet the child's unique needs.[58] Thus, if it is determined, after the curriculum and its possible adaptations in a given placement with the use of supplementary aids and services have been considered, that the child's needs still cannot be satisfactorily met then it is not appropriate. So curriculum content and its delivery must be taken into consideration when determining placement—not for all children, but for those whose needs demand it.

Recommendation 6

The Department of Education should issue a policy statement to permit consideration in placement decisions of curriculum content and methods of curricular delivery required by the nature or severity of the child's handicapping conditions.

Lack of guidance or standards for exceptions to the LRE requirements based on the potential harmful effects on the child or the quality of services that the child needs frequently results in inappropriate decisions.

The federal rule provides for at least two exceptions to the LRE requirements based on potential harmful effects on the child or on the quality of services that the child needs.[59] It is not clear how these exceptions can be applied.

We were repeatedly told, in written and oral testimony, that the "potential harmful effects" provision has been blatantly ignored. Examples of such potential harmful effects include: (1) children with an age span of 6 to 10 years in a single classroom for deaf students; (2) daily travel time to an educational program in excess of 2 hours each way; (3) cross-categorical groupings of students with different disabilities; and (4) classrooms of deaf students with a variety of secondary characteristics, including mental retardation, behavioral problems, learning disabilities, or—going to the other extreme—children who are especially gifted.

We believe that an age span of more than 3 years in a single classroom, unreasonable travel time, cross-categorical classrooms, and nonhomogeneous groupings of deaf students present potentially harmful effects on satisfactory educational progress. Such situations should not be tolerated, either in the placement process or in the monitoring conducted by the state educational agency and by the Department of Education.

Unless these two exceptions are defined, applying the LRE requirements will frequently result in improper placements and consequent harm to children who are deaf.

Recommendation 7

The Department of Education should issue guidelines and standards by which school officials and parents can, in selecting the least restrictive environment, consider potential harmful effects on the child or on the quality of services which the child needs.

Confusion still reigns over how removal from a regular educational setting could occur.

In its 1985 draft monitoring manual, entitled "Manual 10: Least Restrictive Environment," the Department of Education stated that removal from a regular class must be based only on "compelling evidence" demonstrating that the child is unable to achieve IEP goals and objectives in the regular class. This standard could be interpreted to mean that all handicapped children must be placed in regular programs regardless of their individual needs, and that they could only be transferred out *after* they had failed in these settings.

The standard of "compelling evidence" was one of several standards that did not appear in EHA nor in its implementing regulations. The draft manual drew numerous substantive comments and the Department of Education revised the manual, deleting many standards, including that of "compelling evidence." However, the revised "Manual 10" has not been circulated as widely as was the first version—so many parents and educators remain unaware of the deletion and are thus confused.

Testimony and documents we received clearly show that school officials often deny parents' requests for removal from the regular setting even when the parents argue that inappropriate education is occurring there. In some cases, removal took place only when the parents proved through a due process hearing that no such progress would occur or when local school officials finally recognized that the child was unable to benefit from the setting. In some other cases, parents moved to other districts or states to secure an appropriate placement for their child.[50]

Just as LRE requires a placement in the regular educational setting only when it is appropriate to the child's unique needs, it should also be interpreted to permit removal *on the same basis*. A policy statement from the Department to this effect is necessary to avoid improper placements and consequent damage to children.

Recommendation 8

The Department of Education should publish in the *Federal Register* a policy interpretation that removal from the regular classroom does not require compelling evidence.

LRE has been misinterpreted as requiring "local program" as taking precedence over appropriateness or as being synonymous with "mainstreaming"

Contrary to the requirement that LRE be considered in the context of the goals and objectives in each child's IEP, the prevailing interpretation of LRE continues to be based primarily on mainstreaming—though the term is never used in the law[51]—and on the integration of deaf children, regardless of the nature or severity of their handicap, into regular classrooms with nonhandicapped children.[52]

Testimony and written statements to us showed LRE is being used as a justification for placing children who are deaf in local programs or other similar programs even when they do not meet educational needs. Parents, consumers, and professionals have testified that state departments of education and LEAs interpret this provision to mean that, irrespective of ability to provide an appropriate education, the LEA must set up a class to educate children who are deaf when in fact an appropriate education cannot be achieved that way. For example, one educator reported:

> "Parents of these deaf children who are denied center school placement, on top of everything else that they must deal with, are essentially told that they must be content with the local program that the LEA offers, which usually means a program of relatively low cost to the LEA and oftentimes, a program of far less quality and benefit to
> han would be available in the center school. Except in

> some rare instances . . . many such deaf children are expected to accept local education programs, the quality of which a school district would not even begin to consider offering to hearing children!"[53]

LRE actually means that handicapped children should receive education with nonhandicapped children, *to the maximum extent appropriate*. If LRE is perceived as mainstreaming, the placement process is corrupted and prejudicial from the outset in that every child would be indiscriminately placed in the regular classroom, regardless of what makes sense for that unique individual pupil. In some cases presented to us, children who are deaf with ages ranging from 6 to 15 for example, have been placed together in a single class because the school district interpreted LRE as requiring such.

Parents, educators, and professionals complained to us that if residential schools are viewed as the "most restrictive environment," then they would be considered only as the last resort. The continuum of placements is ordered in terms of restrictiveness from least to most. The people, however, stated that this hierarchy itself has been more often misinterpreted as from "best" to "worst." Thus, under this misinterpretation, they said, the "best" alternative, i.e., a local classroom, must be chosen before other, bad, alternatives, i.e., center schools, could be considered, regardless of the unique needs of a handicapped child. In order to avoid such misinterpretation, one individual recommended to us that the continuum should be in a circle as shown in figure 2.4.

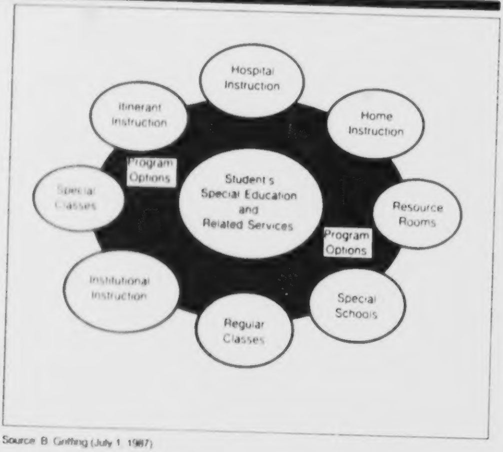
Despite EHA's preference for the regular educational setting, regular classrooms are not the least restrictive environment in serving the needs of many children who are deaf, even with the use of supplementary aids and services.

There is no doubt that some children who are deaf, including children who are prelingually deaf, benefit from education in regular classes. At the same time, we are concerned that people who make placement decisions often fail to recognize a built-in paradox: EHA prefers placement in regular classes as the least restrictive environment, yet such placement itself severely restricts, if not denies, many a child who is deaf from receiving an appropriate education that meets his or her needs.

The Supreme Court explained:

> "Congress recognized that regular classrooms simply would not be a suitable setting for the education of many handicapped children . . . ."[54]

Figure 2.4: Diagram for Continuum of Placement Alternatives


Hospital Instruction
Home Instruction
Itinerant Instruction
Program Options
Student's Special Education and Related Services
Special Classes
Resource Rooms
Program Options
Institutional Instruction
Special Schools
Regular Classes

Source: B. Griffing (July 1, 1987)

Although supplementary aids and related services are crucial to the successful placement in regular classes for some children who are deaf, they are irrelevant for many individual children whose needs require specially designed instruction and services that are beyond the regular classes. That is especially true in areas of language and communication.

As the president of a state association puts it:

> "That environment [regular school] which may be the *least* restrictive in terms of the integration of other handicapped and nonhandicapped students becomes the *most* restrictive in terms of basic communication between deaf children and their hearing peers, setting the stage for drastic retardation in development of identity, social skills, and maturity—something clearly unintended by . . . [the EHA]. Worse, severely limiting a deaf child's access to a whole range of experiences with other children and adults may also

> impede the child's ability to acquire and develop language, a factor which will limit his or her education permanently."

A child who is deaf can learn as much as a hearing child. But, unlike hearing children, many children who are deaf do not start with any developed auditory-vocal language system, whether it be English, Spanish, some other spoken language, or even any form of sign language that they can use as an instrument of learning in class. Many deaf children start school in various stages of language acquisition, development, and proficiency.

This means that many such children have certain language-learning needs that may not be met in regular classrooms. Most regular classroom instructions require that the children have a developed language base to start with. Placing a child in the regular classroom without the language needed to function as a participant seriously impedes, if not precludes, the child from receiving any worthwhile education in the class, even with the use of supplementary aids and services (e.g., an interpreter). Compounding unnecessary delays in the child's education, such placement also results in profound effects on, if not permanent and irreversible damage to, the child's self-esteem.

Center schools, including those programs with a sufficient number of children who are deaf on a particular age and grade level, are the least restrictive environment appropriate for many children who are deaf.

Assistant Secretary Will acknowledged that:

> "In some cases, separate environments have been recognized as the least restrictive for some individual children. We recognize that, inherent in a free appropriate public education is a continuum of services, including separate facilities both public and private."

EHA does not prohibit segregated classes or special schooling. In fact, it authorizes funding for education in these settings. Nevertheless, this recognition is not evident in the law's local emphasis.

The presumption of LRE, that a handicapped child should be educated with nonhandicapped children in the regular school placement, is rebutted upon showing that, due to the nature or severity of the child's handicap, education in the regular class with the use of supplementary services and aids "cannot be achieved satisfactorily." As matters now stand, only under these circumstances can special classes or separate schooling be prescribed.

A legal necessity exists for center schools.

In many cases, appropriate education in the LRE for a child who has a severe to profound hearing loss means special classes or separate schooling. These settings provide the facilitating educational environment that regular academic settings lack—one that permits the child to communicate, interact, and learn most effectively.

In the regular settings major communication barriers exist. Many children who are deaf must struggle with them daily. These barriers are created not so much by people working in the system but rather by the auditory-vocal system that administrators, teachers, and hearing peers normally use in the setting. These barriers often adversely affect the ability of a child not only to socialize with others but also to benefit from education.

We emphasize that we certainly do not advocate center school placement for all children who are deaf, but rather stress that a center school placement for a child who is deaf must remain an available *option*; for many, it is the least restrictive environment.

Specialized educational programs in center schools for the deaf are important as placement choices, because they represent steps toward *preparing* deaf students to succeed in the mainstream of life as well as in the mainstream of education. Center schools, particularly residential schools, are also important for students who require more than the traditional 6-hour day to reach their level of expected competence.

Recommendation 9

The Department of Education should monitor states to ensure that they maintain and nurture center schools as placement options as required by law.

A growing number of center schools provide opportunities for partial integration into regular classes.

A growing number of center schools have provided opportunities for children who are deaf to interact with nonhandicapped children in various settings from partial integration to after school activities. Experience has shown that partial integration appears to work better for some children who have a "home base" in a center school or special class within a regular school. At least one-third of residential schools have provided integrative programs as part of the school setting.[illegible] While integrative programs are not appropriate for all students, they are important in helping some children develop communication capabilities, social awareness, and academic skills.

Recommendation 10

The Department of Education should monitor states to ensure the availability and appropriateness of integrative programs for students in center schools.

Parents' Rights

In educational placement decisions, parents are often treated as limited partners, not as equal partners as required by law.

Parents, under EHA and its implementing regulations, are considered to be equal partners with school officials in developing the child's IEP.[61] IEPs are worked out and reviewed at a meeting with at least one of the parents taking part.[62] When the participants disagree about the contents of the IEP, the LEA has the ultimate responsibility for crafting the IEP, but the parents have the right to demand a due process hearing.[63] These and other procedural safeguards are established to:

> "guarantee parents both an opportunity for meaningful input into all decisions affecting their child's education and the right to seek review of any decisions they think inappropriate."[64]

As the Supreme Court puts it,

> "Congress repeatedly emphasized throughout the . . . [EHA] the importance and indeed the necessity of parental participation in both the development of the IEP and any subsequent assessments of its effectiveness."[65]

We received a number of responses and statements relating to the rights of parents under EHA in developing an IEP. One national organization representing parents of deaf children reported that although parents should be treated as equal partners with school officials, the degree of parental involvement in educational placement decisions has, "in practice, been very limited."[66] One parent stressed the importance of receiving information on the availability and appropriateness of programs to meet their child's educational needs:

> "In order for we as parents to be able to choose an appropriate program and to work with our children we must know what is available."[67]

We recognize that while parents can play a significant role in the level and appropriateness of services provided to their child, the degree of involvement depends largely on the amount of information the parents receive.

Many parents are not informed of all placements available to meet their child's unique needs.

Many parents said that they were not informed periodically of all educational options available to their children. In a policy letter on a similar issue, the Department of Education stated that during an IEP meeting, school personnel are *not* required to do so. The Department explained that when the child is initially referred, the school district must provide written notice to the parents regarding the continuum of alternative placements, ranging from placement in the regular classroom with supplementary aids to placement in a residential school. Since the parents should have already been informed, the Department stated, it would not be necessary for school personnel to initiate discussion about alternative placements during an IEP meeting. In this same letter, the Department said that, in the course of a meeting, the school district was not required to initiate discussion about residential placement if appropriate education was going to be provided in the regular educational setting.[58]

Even if parents have already been informed about the placement options, we feel that school personnel should *again* inform parents, during each IEP meeting, about the availability of alternative placements for their child. We recognize that school personnel are legally required to specify the placement which they believe provides the maximum appropriate education in a setting with nonhandicapped children. However, we feel parents have the right to regular information on other options within the continuum of alternative placements, and that they understand how the child's individual needs resulted in the placement recommendation. We emphasize that the following recommendation would apply to personnel in all school settings, including those in center schools.

Recommendation 11

The Department of Education should issue a policy statement requiring that school personnel inform parents of all options in the continuum of alternative placements during each individualized education program conference.

Evaluation and Assessment

Many personnel who evaluate the educational needs of deaf children are not trained or prepared to conduct evaluations. Many of them cannot use the child's mode of communication.

Educational agencies are required to evaluate each handicapped child's educational needs. EHA requires that the personnel who do conduct tests and evaluations must be "appropriately and adequately prepared and trained"[illegible] and that testing and evaluation procedures must be administered in the child's native language or other mode of communication, unless it is not feasible to do so.[illegible]

Because of the tendency to lump all children with special needs together, and because deafness is a low incidence handicap, the LEA responsible for the evaluation and assessment of its handicapped children often proves inadequate to the task. Evaluating a child who is deaf is a difficult and complex task, and a multidisciplinary approach is often necessary.

Public testimony and written communications to us confirm all the foregoing. Parents and professionals testified that many professionals relied upon to conduct assessments of deaf children cannot communicate in the child's mode. This causes misdiagnosis and inappropriate placement.

Apart from evaluators who lack the experience or skills to communicate with the children, another major problem is that evaluators often do not understand the communication and language development that apply to deaf children; nor do they recognize or comprehend the relationship between communication and language competence on the one hand, and opportunity for appropriate emotional and social growth on the other.

Recommendation 12

The Department of Education should monitor states to ensure that the evaluation and assessment of children who are deaf be conducted by professionals knowledgeable about their unique needs and able to communicate effectively in the child's primary mode of communication.

Program Standards

For those deaf students requiring placement in a special school or class, there is a great need for program standards if an appropriate education is to be achieved.

It is an unfortunate fact that states lack any educational standards that would ensure quality programs and related services, either in center schools, or in special classes within the regular educational setting. Naturally, as one might expect in the absence of such standards, the educational programs and services that are provided simply do not meet the children's needs.

To offer a more concrete sense of what we find missing, we are summarizing below a set of minimum program standards that were developed by the Conference of Educational Administrators Serving the Deaf and published in a document entitled "Framework for Appropriate Programs for Deaf Children."

For the proper carrying out of a special educational program for children who are deaf, professionally qualified supervision and coordination—as distinct from mere administrative management—are required. So are qualified, credentialed teachers and related service personnel—who should be able to count on continuity and consistency in their instructional materials, techniques, and curriculum. Integrated into the overall program should be the means for teacher in-service and staff development, as well as education for parents.

Speech, language, and audiological services as well as guidance and counseling should be available as needed. An appropriate curriculum should be developed and implemented that includes all academic areas as well as nonacademic areas. Special curricular areas should include auditory and speech training, language development, and training in the proper use of interpreters. Nor should access to extracurricular activity be forgotten.

In sum, an educational facility and environment that provides smooth-flowing interaction and communication among all staff and students will be one that employs the modes most appropriate for meeting the unique needs of the individual student.

All these criteria need to be established and modified, as well, for students with multiple handicaps.

Recommendation 13

The Department of Education should encourage states to establish program standards for deaf students requiring special schools or classes.

Quality Education

The quality of education available to children who are deaf is poor.

Parents, deaf adults, and representatives of major national and state consumer organizations testified to the Commission on the poor quality of educational services for deaf children.

We were frustrated, however, in our attempts to respond within the context of EHA. The Supreme Court explained that the requirement of a "free appropriate public education" is met when a state educational agency provides personalized instruction with sufficient support services to permit the handicapped child to benefit from instruction, as developed in the child's IEP. The purpose of EHA was to provide access to programs or opportunities equivalent to the access or opportunities provided to nonhandicapped students. EHA does not require states to maximize the potential of each child commensurate with the opportunity provided nonhandicapped children.[illegible]

What happens in a classroom usually is determined at the local or state level, not at the federal level. As a result, there are limits to how much the Congress can do to enhance quality educational services.

In recent years, the states have responded to several indictments of the public school system, such as "A Nation at Risk," by enacting statewide excellence-in-education statutes. Few of these even mention, let alone establish goals and standards for, special education. We are concerned that the excellence-in-education movement, as healthy and appropriate as it may be, is in danger of overlooking urgently needed innovations in special education, notably in the education of children and youth who are deaf.

We recommend new legislation going beyond EHA. A "Quality in Deafness Education" law is needed to provide incentives to the states to incorporate into their statutes the provisions to advance the quality of services provided to students who are deaf.

The law could include the following specific provisions to require that the Department of Education:

- report on achievement levels of students in special education programs and classes;
- provide guidance to states on improvements that can be made in center schools and other programs serving large numbers of students with disabilities;
- provide incentives to the states to ensure that center schools and other large programs supported by state and federal funds take appropriate and timely steps to meet minimum requirements;
- provide incentives to programs demonstrating better than average language acquisition and other academic progress;
- provide motivation for programs to achieve critical mass, to employ administrators and teachers with specialized training in deafness, and professional support staff who meet the highest level of the standards recommended by the Council on Education of the Deaf;
- provide a mechanism for rapid dissemination and national publicity for programs demonstrating successful and innovative solutions in these areas; and
- establish performance standards that would be required for further federal assistance beyond a certain date.

We do not believe it is appropriate for the Congress to tell states and local school districts how to teach children with disabilities. But, we do believe that the traditional role of the Congress in acting to protect the most vulnerable among our citizens makes it entirely appropriate for the Congress to exercise a degree of "quality control"—to insist, now that we have had more than a decade of experience with EHA, that mere access to education and due process no longer are enough—states must ensure that a certain minimal level of education is made available.

Recommendation 14

The Congress should pass a "Quality in Deaf Education" bill that would provide incentives to the states to enhance the quality of services provided to students who are deaf.

American Sign Language[14]

As one of our country's minority languages, American Sign Language (ASL) plays a vital role in the education of children whose native language is ASL.

We recognize that ASL is a language in its own right. Over the past decade, there has been a rapid accumulation of evidence that the sign languages of the world are fully developed, autonomous, natural languages with grammars and art forms all their own. Accordingly, the United Nations Educational Scientific and Cultural Organization has concluded that such languages should be "afforded the same status as other linguistic systems" and should play "an active part in . . . educational programs for the deaf."[15] ASL has received particular study and informed scholars agree that ASL is one of our country's authentic minority languages. Several states have recently passed legislation providing for the teaching of ASL in the schools on the same basis as other indigenous and foreign minority languages in the United States.

A bureaucratic gap exists between the protection afforded to members of minority groups who use a language other than English and the protection granted to students who are deaf and whose native language is ASL.

Although laws exist to protect members of language minorities and persons with handicaps, those children who became members of a language minority *because* of their handicap are not protected: they have fallen into the cracks between two bureaucracies. Lacking the recent evidence that ASL is a minority language, the federal agencies entrusted with promoting the education and rights of minority-language users have so far dismissed deaf ASL users as merely handicapped. At the same time, agencies entrusted with ensuring effective education for the handicapped have, understandably, dismissed the central educational issue for many deaf children—their minority-language status. Agencies have thus attempted to serve children who are deaf just as they serve all other classes of handicapped children whose education is already conducted in their primary language.

The Department of Education has not recognized ASL as one of the native languages for the purposes of the Bilingual Education Act.

The motivating policy and definitions of the Bilingual Education Act, as well as the regulations issued by the Department of Education to implement the act, all suggest the appropriateness of grant applications that address the educational needs of children whose primary language is ASL. Indeed, such children are particularly disadvantaged by an English-only education; like their Spanish-speaking counterparts, they are being educated in a language they are struggling to learn; unlike them, however, most have no familiarity with any other oral language and cannot hear English, which they must learn by indirect means.

The federal regulations implementing the act spell out the limited-English-proficiency students to whom the act applies. The wording makes clear that children whose primary language is ASL, whether or not they learned it from their parents, are directly affected. Included are:

> "[Individuals] whose native language is other than English. 'Native language' when used with reference to an individual of limited English proficiency, means the language normally used by the individual. If the language normally used by the child cannot be determined, the language normally used by the parents or legal guardians of the child is the child's native language."

Many of the programs under the Bilingual Education Act could potentially benefit children who use ASL.

In passing the Bilingual Education Act, the Congress recognized:

> "(1) that there are large and growing numbers of children of limited English proficiency;
>
> (2) that many such children have a cultural heritage which differs from that of English proficient persons;
>
> (3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;
>
> (4) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;
>
> (5) that a primary means by which a child learns is through the use of such child's native language and cultural heritage;

> (6) that large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques

Many of the federally assisted bilingual education programs could have a significant impact on the educational achievement of children who use ASL: basic programs, academic excellence programs, family English literacy programs, special populations programs, state educational agency programs, evaluation assistance center programs, educational personnel training programs, fellowships programs, training development and improvement programs, short-term training programs, and multifunctional resource center programs.

Bilingual-bicultural instruction includes: academic "subject matters" taught transitionally, at least in the pupil's primary language; English as a Second Language (ESL); the history, culture, and language arts of the student's minority-language group; and American culture and history. The goal is to teach the student English so that he or she can ultimately be educated exclusively in English without falling behind in other studies. This objective is met by fostering a healthy self-image, developing cognitive powers, creating a bridge to the child's existing linguistic and cultural knowledge, and developing reading and expressive skills in English.

Scientific studies have demonstrated that a child who is unable to use language fluently at home and at school is severely disadvantaged in cognitive development and education.* The potential advantages of extending bilingual-bicultural programs to ASL-using children are similar to those for other language-minority children. There would be an infusion of new ideas and methods for teaching this minority, including new strategies for teaching English; improved English literacy; improved academic achievement scores; improved emotional adjustment; decreased need for counseling services; increased class size, without reduction in individualized attention; decreased dropout rates; decreased underemployment on leaving school; increased bilingual fluency of classroom teachers; teaching careers opened to adult minority-language users; enhanced teacher-pupil communication; and enhanced parental communication with teachers and pupils.

We urge that outmoded educational policy be brought into line with recent scientific discoveries in linguistics and psychology. It has been shown repeatedly that children whose primary language is ASL, like those who speak other minority languages such as Spanish or Navaho, are at a severe educational disadvantage in a system that disbars, denigrates, and denies their primary language. It is reasonable to believe that the same educational remedies provided by the Congress and the courts for the speakers of all minority languages will benefit ASL-speaking children. In any case, it is the law. Recognizing that ASL is one of the minority languages of the country, we find it necessary to close the bureaucratic gap by urging that the Department of Education apply existing statutes and regulations, and by requesting that the Congress appropriate funds for this purpose.

Recommendation 15

The Department of Education should take positive action to encourage practices under the Bilingual Education Act that seek to enhance the quality of education received by limited-English-proficiency children whose native (primary) language is American Sign Language.

Gallaudet University's Pre-College Programs

The Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD) were originally established as model programs to prepare deaf students for advanced study and to stimulate program improvement nationwide.

Although KDES existed before 1965, KDES and MSSD were established in their present form as a result of the 1965 Babbidge Committee Report. The report deplored the lack of systematic education for the majority of preschool deaf children, the limited secondary opportunities for deaf students nationwide, the low level of educational achievement attained by many secondary school graduates who were deaf, and the low allocation of funding for research. The Congress expanded the mission of GU in 1966 to include the operation of MSSD and again in 1970 to operate KDES. The KDES Act and the MSSD Act directed the two schools to "provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation." This mission was to include educating elementary and secondary hearing-impaired children on the GU campus.

The Education of the Deaf Act of 1986 (EDA) requires that any state or local educational agency that places a child at KDES or MSSD be responsible for seeing that the requirements of part B of EHA are met. KDES primarily serves residents from the District of Columbia and the surrounding Virginia and Maryland suburbs. It had an enrollment of 197 students in the fall of 1986. MSSD draws students from all states, but its primary service area includes the District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, and West Virginia. It had an enrollment of 367 students in the fall of 1986. Both KDES and MSSD maintain the following policies and procedures. Each school is required to give all agency representatives every opportunity to participate in IEP meetings and must provide copies of any signed

IEP to the appropriate agency. KDES and MSSD also notify the parents and the appropriate agency any time a change in the IEP is considered, and must receive approval from both the agency and the parents before making a change in the IEP.[82]

EDA further charges KDES with providing elementary-level educational facilities for individuals who are deaf "in order to prepare them for high school and other secondary study."[83] MSSD is authorized to provide both day and residential facilities for secondary education to individuals who are deaf "in order to prepare them for college and for other advanced study."[84] In carrying out its function to prepare students for college, MSSD has adopted an admissions policy that stipulates "potential students to demonstrate reading levels of third grade or higher."[85] GU reports that 78 percent of former MSSD students continued their education beyond high school, with nearly one-fourth of that number completing programs of advanced study.[86]

Many elementary and secondary programs nationwide are now successfully preparing academically oriented students who are deaf for advanced study. Educators currently demand programs and products directed toward other special subgroups within the deaf student populace.

Students who are lower achieving academically. While KDES and MSSD have been preparing their students for postsecondary education and providing assistance to other programs to do likewise, many educators told the Commission they are able to serve academically oriented students for advanced study without reliance on the GU Pre-College programs. They said that their present needs include programs, products, technical assistance, and outreach efforts designed for students who are unable to achieve satisfactory academic progress. Such students may be average or above average in terms of intelligence, but due to ineffectual educational practices, they are functioning at the first, second, or third grade levels academically.

Students who have secondary handicaps. Citing the demographic trends previously discussed, many professionals expressed a need for programs and products appropriate for students with secondary disabilities. As reported in the Annual Survey, the percentage of deaf children identified as having one or more additional handicapping conditions is about 30 percent.[87] Since secondary handicapping conditions often include learning disabilities and mental retardation, special methods and materials must be developed to appropriately address the particular needs of these students.

Students who are from non-English speaking homes and/or members of minority groups. Another subgroup that warrants special attention is comprised of students whose first language is not English. The increase in the percentage of deaf children who are members of minority groups has important educational implications:

> "Many children from minority backgrounds live in homes in which English is less frequently used than Spanish or some other language. Exposure to a language different from the language used in the classroom can be a further complication in the general language development of hearing impaired children."[88]

Unique educational approaches are obviously required to help students from non-English speaking homes learn English. For example, programs which take full advantage of ASL, using it to advance English language acquisition, are needed for deaf children of deaf parents. Minority students who come from English-speaking homes need educational approaches that appropriately address cultural differences to enhance the efficacy of their instruction.

Recommendation 15

The Congress should amend the Education of the Deaf Act to set certain priorities at the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf, require annual reports to the Congress and the President, and require an evaluation and report every 5 years by the Department of Education's liaison office.

Priorities

Specifically, KDES and MSSD should provide exemplary programs to stimulate the development of similar programs across the nation. These exemplary programs should be developed to meet the critical needs at the elementary and secondary levels through research, development, training, and technical assistance. The current critical needs identified by the Commission relate to the following special populations and their families:

- students who are lower achieving academically;
- students who have secondary handicaps;
- students who are from non-English speaking homes; and
- students who are members of minority groups.

Admission criteria should be changed to be congruent with the special populations addressed. The mission and focus of MSSD should be redefined so that it remains a comprehensive program serving a wide variety of deaf students while admitting a student population which more closely mirrors the national demographics of secondary school-age deaf children. Materials and other product development of KDES and MSSD should first address the special populations defined above and the special needs of deaf students in transition.

Annual Report

KDES and MSSD should submit an annual report to the President and to the Congress, which lists critical needs, describes programs and activities designed to meet those needs, and evaluates their effectiveness.

Evaluation and Report

Before reauthorization, or at least every 5 years, the Department of Education liaison office should coordinate the formation of an independent evaluation team of experts, including consumers, representatives from major organizations in the area of deafness, and representatives from a variety of educational programs, including mainstream programs. The evaluation team should provide an objective assessment of the progress made by KDES and MSSD in meeting the identified critical needs. A report of the evaluation should be provided to the President and to the Congress, including the names of the experts and consumers conducting the assessment, a presentation of their findings, and the response of KDES and MSSD to the evaluation. In addition, the experts should delineate the critical needs to guide the programs during the next funding cycle.

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[1] T. E. Allen, M. A. Karchmer, and S. C. Brown, *Deaf Students and Their Schools: The Changing Demographics* (Washington, D.C.: Gallaudet Research Institute, in press).

[2] D. F. Moores and T. N. Kluwin, "Issues in School Placement," In A. N. Schildroth and M. A. Karchmer (eds.), *Deaf Children in America* (San Diego, Calif.: College Hill Press, 1986), pp. 105-23.

[3] Public Law 94-142, 89 Stat. 773 (1975).

[4] See 20 U.S.C. 1401(1)(1982) (Supp. IV, 1986).

[5] At 1412(1).

[6] *Board of Education v. Rowley*, 458 U.S. 176, 181 (1982).

[7] 20 U.S.C. at 1412(5)(B).

[8] Allen, *Deaf Students*.

[9] Allen.

[10] Allen.

[11] Allen.

[12] Allen.

[13] Allen.

[14] A. B. Wolff and J. E. Harkins, "Multihandicapped Students," In A. N. Schildroth and M. A. Karchmer (eds.), *Deaf Children in America* (San Diego, Calif.: College Hill Press, 1986), pp. 55-82.

[15] R. J. Trybus, Statement (June 16, 1987).

[16] L. S. Liben, "The Development of Deaf Children: An Overview of Issues," *Deaf Children: Developmental Perspectives* (New York: Academic Press, 1978).

[17] H. Denton, Statement (Mar. 17, 1987).

[18] S. P. Quigley and P. V. Paul, "English Language Development," In M. C. Wang and M. C. Reynolds (eds.), *Research Integration of Selected Issues in the Education of Handicapped Children* (1986), Vol. II, Sec. 3.

[19] T. E. Allen, "Patterns of Academic Achievement Among Hearing Impaired Students: 1974 and 1983," In A. N. Schildroth and M. A. Karchmer (eds.), *Deaf Children in America* (San Diego, Calif.: College Hill Press, 1986), pp. 161-206.

[20] A recent NIH study offers evidence that deaf students can attain reading levels far above those shown in figure 2-5. Further analysis is under way to describe the variables contributing to this significant difference.

[21] M. Cassidy and S. Harvey, Statement (Mar. 17, 1987).

[22] 20 U.S.C. at 1401(18).

[23] "Culture" in the educational setting refers to knowledge -- often unspoken and perhaps even below the level of conscious awareness -- shared by teachers and students who cooperatively accomplish their social affairs. The shared knowledge, gradually accumulated over the months, makes it possible for the participants to make sense of what it is they do together.

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[24] This list should not be considered an exhaustive summary of all relevant factors which warrant examination; neither does the order in which these factors are listed reflect the relative importance of each component. These factors are often interrelated.

[25] The law permits a child to participate in an IEP meeting whenever appropriate (20 U.S.C. at 1401(19)). In those cases where the child does not participate, the child's parents should express the child's placement preference.

[26] The Department of Education issued a policy letter stating that an IEP for a deaf child may include, as related services, parent counseling and training; e.g., training parents to use the mode of communication that their child uses as part of an educational program. Education for the Handicapped Law Report (EHLR) Binder 1978-87, EHA Rulings: Policy Letter, 211:399 (1986).

[27] Draft Recommendation 1 (52 Fed. Reg. 32,733) stated: Federal policy should require that determination of an "appropriate" special educational program for a child who is deaf take into consideration the following factors: (a) Severity of hearing loss, (b) Academic level, (c) Communication needs, (d) Social needs, (e) Emotional needs, and (f) Linguistic needs.

[28] Emphasis in original. Department of Education, Statement (Sept. 29, 1987).

[29] Department of Education, NODR1 #244 (Oct. 23, 1987).

[30] Bay Area Center for Law and the Deaf, NODR2 #199 (Oct. 15, 1987).

[31] S. Carmichael, Statement (Mar. 17, 1987).

[32] 20 U.S.C. at 1412(5)(B).

[33] *See Board of Education v. Rowley*, 458 U.S. at n.4; *A.W. v. Northwest R-1 School District*, 813 F.2d 158, 162-163 (8th Cir.), *cert. denied*, 56 U.S.L.W. 3244 (1987); *Roncker v. Walter*, 700 F.2d 1058, 1063 (6th Cir.), *cert. denied*, 464 U.S. 864 (1983); *Springdale School District #50 v. Grace*, 693 F.2d 41, 43 (8th Cir. 1982), *cert. denied*, 461 U.S. 927 (1983).

[34] 20 U.S.C. at 1412(5)(B). The Department of Education explains that LRE has established two basic principles for the educational placement of handicapped children. The first principle is a presumption in favor of placement in the regular education environment. The second principle is that, to the maximum extent possible, handicapped children must be educated with children who are not handicapped. The Department of Education, Statement, (Mar. 17, 1987).

[35] 34 C.F.R. at 300.551(b)(1) (1987).

[36] At 300.552(a).

[37] At 300.552(b).

[38] At 300.552(c).

[39] At 300.552(d).

[40] Comment to 34 C.F.R. 300.552 (emphasis added).

[41] EHLR, Binder 1978-87 EHA Rulings: Policy Letters, 211:433-4.

[42] Letter from Assistant Secretary M. Will, Office for Special Education and Rehabilitative Services, the Department of Education, to David L. Holmes, National Association of Private Schools (Nov. 30, 1987).

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[43] In its 1986 report to the President and the Congress, the Council recommended:

"Congress should direct the Department of Education to promulgate and enforce standards for the application of the least restrictive environment requirement; such standards should clarify that the primary determinant of which educational setting is the least restrictive is the educational appropriateness of the program."

Toward Independence: An Assessment of Federal Laws and Programs Affecting Persons with Disabilities (1986), p. 48.

[44] U.S. Department of Education, Office of Special Education Programs, *Standard and Guidelines for Compliance With Federal Requirements for the Education of the Handicapped* (1986), p. 20.

[45] EHLR Binder 1978-87 EHA Rulings/Policy Letters, 211:442-4.

[46] W. McChord, Statement (Mar. 17, 1987).

[47] In this regard, the Commission holds that placement decisions should not be based on availability of curriculum and content or methods of curriculum delivery.

[48] In support of its position on administrative convenience, the Department of Education cites the following statement in the House Report on the Education of the Handicapped Act Amendments of 1986:

"The Committee heard testimony at the hearings regarding the relationship between the least restrictive environment provisions in the law and administrative convenience of the agency providing special education and related services. It is the Committee's understanding that a child's special education needs are the determining factors in designing an appropriate program, *not the availability of certain services or administrative convenience*."

EHLR Binder 1978-87 EHA Rulings/Policy Letters at 211:444 (emphasis added).

Except for availability of certain services and administrative convenience, nothing in this statement supports the Department's position that placement based on curricular factors would always be for administrative convenience.

[49] 34 C.F.R. at 300.552(d).

[50] One educator testified to the following actions that parents took to ensure private school placement of their child: relocation to school districts which view private school placement more favorably (i.e., are more respectful of parents' wishes and seem more concerned for the welfare of the child); placement of children in guardianship of a relative who lives in a more favorable district or state; establishment of false residencies in another district or state; and placement of children in a religious school several hundred miles away. J. Voss, Statement (Mar. 17, 1987).

[51] See e.g., *Springdale School District v. Grace*, 693 F.2d at 43.

[52] Mainstreaming may be interpreted as including a range of alternative provisions for those needing a more specialized program than the regular class offers. See "The Council for Exceptional Children, What Is Mainstreaming?" *Exceptional Children*, Vol. 42 (1975), p. 174. Based on testimony and responses received, the Commission, however, finds the more prevailing interpretation as not including alternative placements.

[53] J. Voss, Statement (Mar. 20, 1987).

[54] *Board of Education v. Rowley*, 458 U.S. at n.4; see 20 U.S.C. at 1412(5).

[55] J. Maurer, President, Pennsylvania Society for the Advancement of the Deaf, in a letter to the Department of Health, Education, and Welfare (predecessor of the Department of Education) (1980).

[56] Letter from Assistant Secretary Will to David E. Holmes (Nov. 30, 1987).

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[57] 20 U.S.C. at 1401(16).

[58] Federal funds under part B of EHA are based on "child counts" in each state and locality. 20 U.S.C. at 1411. Under the federal allocation formula, 75 percent of the funds go directly to LEAs; the remaining 25 percent is marked for state education agencies to cover administrative costs and state programs (at 1411(c)(1)). One of the effects of the local emphasis in funding is to provide an incentive for state agencies to establish their own programs rather than pay center schools to educate the child. As another disincentive for referral to an out-of-district placement, the local district is responsible for transportation to and from the supportive services that are part of the child's special education. 34 C.F.R. at 300.306. Thus, the local district has a financial interest in determining its local program to be "appropriate." At the same time, local districts undercut center schools.

[59] R. Silverstein, "The legal necessity for residential schools serving deaf, blind, and multi-handicapped sensory impaired children," *American Annals of the Deaf*, Vol. 131 (1986), pp. 80-84.

[60] W. N. Craig, and J. Salem, "Partial Integration of Deaf with Hearing Students: Residential School Perspectives," Western Pennsylvania School for the Deaf.

[61] 34 C.F.R. 300.340-.349 (1987).

[62] At 300.343(a) and 300.345(a)(5). Appendix C to the regulations (in response to question #26) explains the role of parents at IEP meetings: "The parents of a handicapped child are expected to be equal participants, along with school personnel, in developing, reviewing, and revising the child's IEP. This is an active role in which the parents (1) participate in the discussion about the child's need for special education and related services and (2) join with the other participants in deciding what services the agency will provide to the child."

[63] 34 C.F.R. 300.506-.513 (1987).

[64] *Honig v. Doe*, 56 U.S.L.W. 4091 (U.S. Jan. 20, 1988)(No. 86-728).

[65] *Honig.*

[66] American Society for Deaf Children, Statement (Mar. 17, 1987).

[67] M. Lamer (July 1, 1987).

[68] EHLR, Binder 1978-87 EHA Rulings/Policy Letters, 211:383-4 (1986).

[69] 20 U.S.C. at 1413(3).

[70] At 1413(5).

[71] R. G. Brill, B. MacNeil, and L. R. Newman, *American Annals of the Deaf*, Vol. 131 (1986), pp. 65-77.

[72] *Board of Education v. Rowley*, 458 U.S. at 189.

[73] "We envision the new law as providing guidance and incentives in the following areas: extracurricular activities (scope, breadth, degree of participation possible and actually achieved); availability and use of technology and assistive devices; media services providing multisensory experiences for deaf children, enriching their learning opportunities; transitional services demonstrating success in facilitating movement from school to work and to independent living in the community; and specialized services, such as driver's education, art, typing, and other aspects of a well-rounded curriculum, provided effectively."

[74] Harlan Lane contributed significantly to the development of this section.

[75] *Consultation on the Different Approaches to Educating the Deaf* (Paris: UNESCO, 1985).

[76] 34 C.F.R. 300.4 (1987).

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[78] 20 U.S.C. 3222 (1982).

[79] A. Willig, "A Meta-Analysis of Selected Studies on the Effectiveness of Bilingual Education," *Review of Educational Research*, Vol. 55 (1985), pp. 269-317. For a review of literature on the advantages accruing to deaf children from homes in which family members sign, see M. Rodda and C. Grove: *Language, Cognition and Deafness* (Hillsdale, N.J.: LEA, 1987).

[80] The House report accompanying the MSSD Act cited the Babbidge findings of "significant inadequacies in the educational services for the deaf, particularly noting the lack of a genuine secondary school program for deaf persons." H.R. 2214, 89th Cong., 2d sess. 2, reprinted in 1966 U.S. Code & Admin. News 3927 and 3928.

[81] Public Law 91-587, 84 Stat. 1579 (1970).

[82] Public Law 89-694, 80 Stat. 1027 (1966).

[83] Gallaudet University, NEH #277 (June 12, 1987).

[84] 20 U.S.C. 4331(a)(1)(Supp. IV 1986).

[85] Id. §4321(a).

[86] Gallaudet University, NEH #277 (June 12, 1987).

[87] Gallaudet University, Statement (Mar. 1987).

[88] Wolff and Harkins, "Multi-handicapped Students."

[89] A. N. Schildroth, "A Look Into the Future: What Will Students Be Like?" *Perspectives* (Nov./Dec. 1986), pp. 19-21.

Mr. **Owens**. Thank you.

Dr. Larry Stewart.

Mr. **Stewart**. Mr. Chairman, and Members of the Committee, I represent the National Association of the Deaf, and I am a deaf individual myself. I will be giving you my remarks, but before I do those, I will summarize at best.

This week Gallaudet University is celebrating their anniversary of the protest against paternalism and against being left out, and against other people deciding what is best for deaf people. We are up against the same problems in the area of education for deaf children under Public Law 94-142 and parents are left out of the decisions for their children because other people are deciding what is best for deaf children. And that is a representation of paternalism.

The fact is there are 60,000 deaf and hearing impaired children in schools throughout the country. This is a group that is about two percent of all handicapped children. The children need special language instruction and special communication. Special social interaction. But nine-tenths of all of those children are in public schools.

Now, recently it was found that 4,400 have only one deaf child—among 8,000, only 4,400 have one deaf student. Among 1,400 other schools throughout the United States they have only two deaf children there. Among the six other schools, only three deaf children are there. Among 2,000 other schools, only four or more deaf children are there.

Now, the United States Office of Education and the State Department of Education are very proud of those statistics. They say, see, this is a success. The way they measure success is by the numbers of handicapped children in public schools—but the failure of the numbers of handicapped in special programs.

I am here to let you know Public Law 94-142 is not working for deaf children at all. Under Public Law 94-142 a 150 years of experience of education for the deaf are being thrown out the window.

This mass wash to mainstream ignores reality for deaf children. Ninety-five percent of deaf children are born deaf and they face a severe difficulty in developing their language and communication skills.

Ninety percent of the parents of deaf children have normal hearing, so they don't know how to communicate with their deaf children.

A regular classroom instructor lacks the ability to instruct these deaf children. They don't understand the first thing of the language problem of deaf children. Physical access does not mean communication access for deaf children.

The reality today is that the majority of deaf children are not receiving the appropriate education. The majority of deaf children and their parents do not have their rights being protected. Schools are not receiving the assistance from the federal, state and local governments for proper education for the deaf children.

Deaf people and their parents are left out of policymaking decisions. They are left out of regulation development. They are left out of program administration at all levels starting at the Office of Special Education and Rehabilitation Services in the federal government and then down to the other state departments of education and the local education agencies.

Deaf people and their parents are left out and have absolutely no voice in what is going on. Look at this Office of Special education and OSEAS and OSERS, and look at the State Department of Education, any state, where are the deaf professionals? Where are the deaf parents or where are the deaf parents of deaf children? Those people are not at all represented.

Other people are making the decisions for us and it is the same old paternalism that has led to this Gallaudet University protest last year.

There is absolutely nothing wrong with Public Law 94-142. It is a wonderful law. The regulations are pretty good, but things are not working very well. Why? People who know absolutely nothing about deaf children are making decisions for them. They think that if you teach deaf children in a regular classroom all the problems will be solved and the problems are not being solved.

So, basically, again, I would like to tell you that Public Law 94-142, while it may be working with some handicapped children, and may be working beautifully—except deaf children, because it is not working well I would say for most deaf children.

Nobody has asked the deaf community what we think. None specialists have taken over. Other groups of people are telling us what is best for our deaf children. I have told you that there is actual child neglect, sometimes child abuse. I would say mental abuse, because they are put alone or outcasts alone because they can't communicate with other children or with their teachers. These restricted environments have been interpreted to mean that a public school and nothing but public school, a regular classroom and nothing but a regular classroom, but that is not what the law says, but nobody has asked us.

Last week, in Illinois, 1000 deaf people and their friends protested at the state capitol. They have been very upset with that has been happening. Eight hundred people protested in California because they are also upset. Other deaf people and their friends have been protesting in other states and this is just the beginning.

We have tried and tried for 14 years to tell people that this is not working for our deaf children. Nobody is listening. You are telling us what you know is best for us? We want help from the National Association from the Deaf, for you to listen to us. We are deaf. Other people may know more about education, we agree, but we know more about being deaf than anybody else. We want people to listen to us. We want non-handicapped people to respect our opinions and listen to us when we tell them that this is not working.

We want to have a part of the decision-making at the federal level, at the state level and that is only fair because this is America and there is nothing wrong—but we are being left out. We need your help and please help us.

Mr. OWENS. Thank you. Mr. Larry Siegel.

Mr. SIEGAL. Thank you, Mr. Chairman. I think it is difficult for me as an attorney, Mr. Chairman to follow the eloquence of a parent and a deaf leader. I will try my best to try to be succinct.

A year ago the Commission on Education for the Deaf reported to the president and Congress that and I quote, "Parents, deaf consumers and professional personal of all persuasions have with almost total unanimity cited LRE as the issue that thwarts their attempts to provide an appropriate education for children who are deaf." I underline the word "thwarts."

Since LRE requires that handicapped children be educated with non-handicapped children to the maximum extent appropriate, why would such a seemingly benign and positive concept cause such difficulty. Why would it cause the emotional reaction that we have today.

I think the answer is found in the nature of deafness and more importantly from my perspective as an attorney, in the generic and inappropriate way in which school districts are applying LRE.

Deafness is low incidence. Less than five percent of the population is deaf. The educational consequences are significant. That means that for most school districts, and I have been a special ed attorney for ten years and worked with, and in some cases fought, many, many school districts. Few school districts have enough deaf children to be able to form homogenous groups.

There are not enough deaf children of the same age, language and ability level to form appropriate classes. What happens? Children are put in regular classes. As Dr. Stewart indicated, there is a high percentage of schools—I think it is 76 percent of the schools—with deaf children have only one to three deaf children in the entire school. That creates incredible isolation.

Secondly, for special day classes, where you have perhaps seven, eight, nine, ten deaf kids, the age range, even in those classes, the language range, even the different language modes, different sign languages, some profoundly deaf children who use sign language and hard of hearing children who are very oral, different cognitive abilities. It makes those classes very, very ineffective in terms of educating.

The Commission questioned the efficacy of special day classes. The Commission also found, for example, that in many special day classes, the age range is ten years in one class. I am a hearing person. I have two hearing children.

I would never tolerate, and I do not think anybody would tolerate, having their child in a classroom where there is that much of an age range, where their child cannot communicate with their peers, where their child cannot communicate directly with the teacher or even if the teacher uses the child's language and cannot communicate at an adult level. Yet, that is exactly what is happening to deaf children. Deafness involves a communication handicap and that is what makes it so unique.

Very briefly, 94.142 requires, above all, that an individual decision be made about children and that education be provided as appropriate. The law, interestingly enough, does not use the word mainstreaming. It provides that a child is entitled to a free, appropriate public education, specially designed to meet an individual child's unique needs.

LRE is qualified in many places. The language itself of the LRE regulations states that the child be educated to the maximum extent appropriate. Appropriate qualifies that.

Secondly, placement has to be based on an IEP, individualized educational program. Thirdly, as Regulation 300.552—I felt I had to get one law in here—states, the overriding rule on placement is that it must be made on an individual basis.

Fourth, the law requires a continuum of placement options. Now, with all these qualifiers, what is the problem? What is the uproar? Why isn't there enough protection in the law?

Despite this law, despite numerous court cases that have indicated and emphasized that individual decisions have to be made and take priority over placement, despite all of that, there is a federal policy that has filtered down to the states that is creating a generic application of LRE.

Non-mainstream classes are being closed. Enrollment in residential schools is going down. In my State of California, California has been under tremendous pressure from the federal government, the Department of Education, to integrate.

What is the consequence of that? They have issued policy that is going down to all of the school districts that calls for "system-wide integration". We are not opposed to integration, and I want to emphasize that. No one in their right mind would be opposed to that, but not when it is generically applied. That turns the law right on its head.

The law calls for determination of individual needs and then placement. What is happening is the reverse, and that is completely inconsistent with the law. We would like to urge the following remedies to you.

I would, before I make reference to the first one, quote from Senator Kennedy's response to the provision of the Commission's report last year. He stated, "The Commission on the Deaf provides Congress with a solid set of recommendations for change and progress."

The first recommendation that we have and would respectfully submit is that the federal Department of Education issue immediate and formal guidelines to every state and every local educational agency requiring implementation of the recommendations of the Commission's report, specifically those found in Chapter 2, crucial, we think.

Number two, that the LRE requirements of the law are clarified so that placement follows determination of individual needs and not vice versa. As the Commission said, LRE should be seen as a circle with the child in the middle and once you have decided that child's needs, and in the case of a deaf child, communication, language, peer needs are crucial.

Once you have made that determination of what the needs are, whatever placement is appropriate is, by definition, LRE. That is not happening.

Number three, the systematic and generic application of LRE stop; number four, and this is also terribly important, that the law ensures that the basic components of a deaf child's education, communication, language, peer opportunities, are a specific part of the IEP.

The IEP now—and I have sat in hundreds of IEPs over the last ten years. They have wonderful components. It is very narrow. You have to talk about three things: What is the current level of performance? You write up short-term goals and objectives, which get very technical and you try to determine a criteria for evaluating the child's progress.

Never, never is there anything in the law and never does one discuss the most basic things. Communication: What is the use of those very rigid and technical things if you do not talk about the most basic things?

Finally, we request an oversight hearing on this. I would like to very quickly, in probably thirty seconds, make a couple of more points.

First, we are not asking that you make changes for all deaf children. We only ask that the system work individually. Secondly, we are not here to in any way question the viability of LRE. Many, many handicapped children have made marvelous progress with that. We support that.

We do not want to see anything happen that will in any way endanger that. We feel our recommendations are fully consistent with LRE as it is in the law.

Finally, I would like to quote a judge. Judge Rosenburg from Pennsylvania not long ago had a case involving two deaf children. Language was a key part of this case. He said, "Mainstreaming that interferes with the acquisition of a fundamental language skill is foolishness mistaken for wisdom."

I think the way he said that is absolutely appropriate here. We are sacrificing deaf children to an abstraction. That is wrong and it is not consistent with the law.

Mr. OWENS. Thank you. Mr. Marc Maurer, President, National Federation of the Blind.

Mr. MAURER. Yes, thank you. Mr. Chairman, I am Marc Maurer, President of the National Federation of the Blind. Thank you for giving me the opportunity to participate in this hearing today.

The subject matter of concern here is the amendment and extension of certain authorities in the Education of the Handicapped Act. The National Federation of the Blind has a deep and growing interest in legislation in this area.

We are an organization of over 50,000 blind people from throughout the United States. We have a state affiliate in each of the states and a local chapter in every large population area. All of our elected leaders and the vast majority of our members are blind.

The National Federation of the Blind is the voice of the nation's blind. Because of the problems in achieving a decent education for blind children, a growing number of blind youngsters and their parents have become members of the Federation. In fact, we have an extremely active Parents of Blind Children Division in the National Federation of the Blind.

We also publish a newsletter called "Future Reflections" which is distributed quarterly to parents and educators of blind children by our organization. Future Reflections reaches more homes where blind children live than any other publication which focuses on education and blind youth.

One benefit of participating in the Federation is that blind youngsters have many in-depth contacts with blind role models. The evidence we have gathered points to a trend which is not at all comforting. The school systems are often not using the resources of special education to give blind students the tools and techniques which they need to function on a par with their sighted peers.

If blind children are denied the alternative techniques, which they need in order to learn and compete in the classrooms on terms of equality, the purpose of the law is not served because blind students are not getting an education.

There is more to education, Mr. Chairman, that physical proximity. Sometimes, blind students are being taught in the same classroom with sighted students, but the blind students are being forced to function with visual techniques that do not work for them or do not work very well.

This is not integration. It is poor education and it is second class treatment. It is a sad truth that practices which deny blind students the tools of learning are commonplace in America's public schools today.

There are those who may believe that these comments are unfounded generalities, but the facts support what I am saying. When blind students are not taught to read and write Braille, skills which are basic to literacy for the blind, they are denied the same level of educational quality that the schools provide to the sighted.

This happens every day in our school systems. According to some educators, a blind child is prohibited from using Braille and forced to use print, even when it is demonstrated that Braille is more efficient.

Those students who struggle to read print, with severely limited vision, are seriously hampered in their ability to function efficiently. Often, when we raise the question of teaching Braille, the excuse presented by the teachers and the administrators is the least restrictive environment.

They say that it is normal to read and write print and that all children who can do so much use that method. They say that Braille, used by the blind child in the classroom, makes him or her different.

Only when a child has no other option, as is the case for the totally blind, will Braille be considered as a special education service. This is a fair expression of the position most commonly taken by professional educators in their application of the least restrictive environment concept.

Because many people are afraid that they would not be able to perform efficiency if they became blind, they are afraid of the techniques used by the blind and they think of these techniques as inferior. However, it is not reasonable to think of the special tools used by the blind as inferior or to think of blind people as second-class or second-rate.

We ask that the language of Public Law 94-142 be changed to encourage the education of blind children with the special tools and techniques required for the blind to function effectively. We ask that the Least Restrictive be altered so that it cannot be interpreted to force blind children to use print when Braille would work better.

It is perhaps a commentary on the educational system that we are discussing not the level of achievement of students who have matriculated, but the tools they have been permitted to use. There was a time when books were burned and certain scientific theories were prohibited by law. Although the issues have changed, the same basic principle is here at stake. Shall prejudice prohibit education? We think the answer should be simple and obvious.

We are prepared to work with you, Mr. Chairman, to draft the language to assist in bringing greater educational opportunities to the blind. Thank you.

[The prepared statement of Marc Maurer follows:]

BEFORE THE SUBCOMMITTEE ON SELECT EDUCATION
COMMITTEE ON EDUCATION AND LABOR
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.
STATEMENT OF MARC MAURER
PRESIDENT OF THE NATIONAL FEDERATION OF THE BLIND
MARCH 7, 1989

Mr. Chairman, I am Marc Maurer. I am the President of the National Federation of the Blind. My address is 1800 Johnson Street, Baltimore, Maryland 21230; telephone (301) 659-9314. Thank you for giving me the opportunity to participate in this hearing today.

The subject matter of concern here is the amendment and extension of certain authorities in the Education of the Handicapped Act. For reasons which I will explain, the National Federation of the Blind has a deep and growing interest in legislation in this area. The National Federation of the Blind is an organization of over 50,000 blind people throughout the United States. We have a state affiliate in each of the 50 states and the District of Columbia. There is a local chapter of the Federation in most sizable population areas in the United States. All of our elected leaders and the vast majority of our members are blind. Because we have this sizable nationwide membership and elected leadership of blind persons, the National Federation of the Blind is truly the voice of the nation's blind.

Among our membership, Mr. Chairman, we count an increasing number of blind youngsters and their parents. In fact, we have an extremely active Parents of Blind Children Division in the National Federation of the Blind. We also publish a newsletter, called Future Reflections, which is distributed quarterly by the Federation. Future Reflections reaches more homes where blind children live than any other publication which focuses on education and blind youth. I mention this because our Future Reflections newsletter and the Parents of Blind Children Division have become the principal lines of communication that most parents have to obtain and share information. The essential ingredient in our approach is the regular contacts that have developed between sighted parents of blind children, on the one hand, and successful blind adults, on the other. Blind youngsters, too, are having increasing contacts with adult blind role models through our efforts. By opening up the lines of communication between parents of blind children and experienced blind adults (and by listening to the blind youngsters in the process) we have learned a great deal about trends in the education of blind children in this country.

The message we have been hearing, Mr. Chairman, is not comforting. We have historically supported the practice of teaching the blind in local schools. The concept of education for each child in the "least restrictive environment" should be workable. Moreover, that is the law of the land today. However, there is reason for all of us to be seriously disturbed about some of the trends that have developed as the law has been implemented. The evidence we have gathered points to a trend against using the resources of special education to give blind students the tools and techniques which they need to function on a par with their sighted peers. If blind children are denied the alternative techniques which they need in order to learn and compete in the classrooms on terms of equality, the "least restrictive environment" goal is not promoting sound education. There is more to education, Mr. Chairman, than physical proximity. Sometimes blind students are being taught in the same classroom with sighted students, but the blind students are being forced to function with visual techniques that do not work for them or do not work well. This is not integration. It is poor education, and it is second-class treatment. It is a sad truth that practices which deny blind students the tools of learning are commonplace in America's public schools today.

There are those who may believe that these comments are unfounded generalities, but the facts support what I am saying. In the balance of this statement I will mainly confine my remarks to the issue of literacy for blind youth and the importance of learning to use Braille. When blind youngsters are not taught to read and write Braille (skills which are basic to literacy for the blind) they are denied the same level of educational quality that the schools provide to the sighted. This happens every day in our schools. According to the educators, a child must use all visual techniques possible, to the exclusion of all other methods of learning even when it is demonstrated that Braille and other methods are more efficient. This is the general interpretation of the "least restrictive environment" goal, but this interpretation is unacceptable.

Eighty percent of the blind students who are legally or functionally blind have some residual vision. Most of them can see enough to read some items in print if conditions are right and if the right kind of bulky and expensive electronic gadget is provided. These students, who struggle to read print with severely limited vision, are seriously hampered in their ability to function efficiently. When we raise the issue of teaching these youngsters Braille and other alternative methods, the obstacle (or excuse) presented by the teachers is the "least restrictive environment" goal. They say that it is "normal" to read and write print, and all children who can do so must use that method. They say that Braille used by the child in the classroom would make him or her different. Only when a child has no other option (as in the case of the totally blind) will Braille be considered as a special education service. This is a fair expression of the position most commonly taken by professional educators in their application of the "least restrictive environment" concept.

Four or five years ago, a leading professional organization in the United States circulated a proposed position paper asking for comments from the field. This position paper was intended to establish working criteria to settle once and for all the question of which children should read print and which children should read Braille. I was astonished when I read that one of the criteria seriously being proposed was that a child who was able to read print at ten words per minute should continue to be a print reader and not be taught Braille. To the best of my knowledge this position paper was never formally adopted. However, I was dumbfounded that anyone who claims to be a professional would even propose such a criterion. I believe that many of the so-called blindness professionals are strongly prejudiced against Braille.

I also believe that, as with most prejudices, those who oppose Braille do not recognize or admit to their bias. Nevertheless, whether the so-called professionals have intended to be prejudicial or not, they most assuredly have determined that Braille will not be taught. The source of opposition to using Braille in the classroom is not a mystery. It comes from the public misunderstanding and misconceptions about blindness. Dr. Kenneth Jernigan, Executive Director of the National Federation of the Blind, tells of visiting a classroom of blind children and being told by the teacher: "This little girl reads print. This little girl has to read Braille." These statements typify the bias and the prejudice. By the subtlety of her own words, the teacher has declared her position: it is better to read print than to read Braille.

It is human nature that prejudice (although irrational) is defended by allegedly rational explanations. This is certainly true with the prejudice against Braille. There are many arguments against Braille, but these arguments are almost always made selectively. Indeed, exactly the same arguments can almost always be made to favor Braille. We are told that Braille is too slow to read, too bulky to carry, too expensive to produce, and too limited in quantity. We are told, therefore, that to teach a child Braille is to limit what the child will be able to read. We are told that it is better to teach a child to use print. With print, we are told, there are greater quantities-virtually neverending quantities-of reading material available to the child. It does not seem to matter that the student may only be able to read at ten words per minute. It does not seem to matter that the student may suffer from eye strain and only be able to read for a brief time. Although Braille is said to be too expensive, the cost of electronic gadgetry, such as Optacons, talking computers, or closed-circuit television magnifiers is not considered. Although Braille is said to be too bulky, the size and inconvenience of many low-vision aids is not explained. No one mentions that the visual aids required to read print are often larger and more expensive than Braille materials. Many of these devices are awkward and slow to use, especially in educational settings.

Some of the current practices are truly astonishing. Think about the child who is not permitted to learn Braille but forced to use a closed-circuit television magnification system to read most print books and classroom materials. It is not uncommon to see such children in local school districts. These students are so limited in their choice of reading methods that they must transport their large electronic magnifiers from class to class, mounted on carts. Yet, the teachers try to justify such irrational attachments to the exclusive use of print by saying that Braille is too slow to read, too bulky to carry, too expensive to produce, and too limited in quantity. It is also not uncommon to see blind children with smudges on their noses from trying to read their own handwriting. They write with soft lead pencils or felt tip pens so that the handwriting will be dark enough and bold enough to be readable at least part of the time. With these examples--which represent the norm, not the extreme--it is astounding that many of the professionals cling to the belief that to read print is inherently better than to read Braille. They think so because they regard reading print as inherently "normal" and reading Braille as inherently inferior.

This is the fundamental question which is always present when parents and teachers sit down to plan a program for a blind child with low vision: will the child be taught to use print, or will the child be permitted to use Braille? We submit that this question should not be reduced to an "either/or" proposition in many instances. More and more parents are beginning to express the logical conclusion: "why not teach the child both print and Braille?" And to that type of logic we say: why not indeed? Our experience shows that many blind children with low vision can be taught to use both print and Braille, and they will use both media to their benefit. It is only the prejudice against having students "appear to be blind" that prevents educators from opting to teach both Braille and print to youngsters with low vision. They prefer instead to take the easy way out and teach print only because using print is supposedly "normal." Also, Braille is not taught in many instances because the teachers simply do not know Braille well enough to teach it.

The modern-day educational system does not encourage teachers of blind children to concentrate on Braille as a primary reading system for other than the totally blind. Children with any remaining eyesight are pressed to read print long past the point of reason and common sense. Lack of use of Braille by the teachers compounds the problem. I was once told by a leading professional that it is not uncommon for a teacher of blind students to have periods of seven to ten years without a single Braille user. Some teachers of the blind never have a Braille student. This would not be the case if all children who should be taught Braille were taught Braille. Braille has a bad reputation with the educators because they think of it (and of being blind) as not being normal. As a result, when Braille is taught so infrequently that it becomes a nuisance or inconvenience to the teachers, it is often not taught well. This contributes to the bad reputation of Braille among the professionals.

If a blind student with low vision is taught to use exclusively sighted techniques, additional problems are bound to arise in notetaking and retrieving information. Instead of being taught an efficient writing method, far too many children are given soft lead pencils or felt tip pens and are taught to handwrite notes which they can only decipher with great difficulty if at all. How will these children compete in today's society? How will they obtain a college education when they are not able easily to read their own handwriting? How will they make a class presentation or deliver a speech without being able easily to read from a printed text? The answer (Braille) seems obvious, and it is certainly available. This simple truth seems to elude many of today's "professionals" in the field.

What the blind need and must have in education is an understanding in the classroom and in society that each and every blind person deserves a chance to compete on terms of equality with the sighted. To compete on equal terms blind people must be literate. Literacy training for the blind means the opportunity to acquire skills in reading and writing Braille. Our nation's public schools must promote a belief and an attitude that it is respectable to be blind and that there is no inherent inferiority or second-class status in the methods associated with blindness. When blind youngsters resist learning Braille, they are resisting the idea of thinking of themselves as blind persons. Blind students and their sighted teachers often unconsciously assume that to be blind is to be inferior and, therefore, that to use the tools of blindness is an acceptance of inferiority. By rejecting blindness (and with it Braille) the students are being taught to reject the very skill which can enable them to compete on an equal footing with their peers.

We cannot allow America's blind youth to be limited by worn-out social attitudes which have too long mislabeled the blind as inferior. These attitudes still threaten to rob the blind of the right to enjoy first-class status. Just as blindness in a person is not a mark of inferior status, it is not a mark of inferiority for anyone (student or adult) to learn and to use Braille. Therefore, our laws must make teaching and use of Braille in the schools a modern-day reality for blind youth. We must press for greater emphasis on Braille among our school children. We must press for greater availability of Braille materials in the schools. Above all, we must press for an understanding that the tools which blind people use are not a badge of second-class status, but rather a banner of equality.

Mr. Chairman, the tragic de-emphasis on Braille literacy for the blind (especially those with low vision) has become an unintended result of the "least restrictive environment" goal of

Public Law 94-142. We therefore think that a mid-course correction (or slight modification in the language of the law) would be in order. We will be happy to suggest some language to you and work with you for its inclusion in the amendments you are preparing. The important thing is that a process must now begin by which we will bring literacy for the blind back into the classrooms of our nation. This is our goal, and we ask for your help in achieving it. I thank you.

Mr. **Owens**. Thank you.

Dr. Philip Hatlen.

Mr. **Hatlen**. Thank you, Mr. Chairman. My name is Phil Hatlen. I am here today representing the Joint Action Committee of Organizations of and Serving the Visually Handicapped. We are an organization of California organizations of blind persons, of parents of blind children and of professionals. I am also proud to represent the Association for Education and Rehabilitation of the Blind and Visually Impaired, a professional association dedicated to quality services which enhance the dignity of each blind and visually impaired person. My statement also carries the endorsement of the American Foundation for the Blind, our highly-respected national research and consulting agency.

And, it is with pleasure that I join my colleagues who are concerned about education of deaf children to express the position of parents, consumer, and professionals regarding the education of blind and visually impaired children.

Testimony related to the definition of Least Restrictive Environment presented today is not a minor issue. There is a crises occurring throughout the United States and blind and visually impaired children who will not be given a second chance at an education are suffering. I am here today to tell you that the motivation for reinterpreting LRE is urgent and it is powerful.

The concept of Least Restrictive Environment is one of the more controversial outgrowths of 94-142. This panel serves as a graphic example that a noble idea has divided special education in a most confronted manner, and issues revolving around LRE need to be resolved.

The basic problem is that state and federal definitions or interpretations of LRE have been developed with little or no input from some disability groups, a fact which you have already heard today. A large but not representative group of professionals and parents are dictating implementation policy relating to LRE. These people are not professionals in education of blind and visually impaired children, nor are they parents of these children.

Rather, they are individuals who have come to certain conclusions about appropriate education of some populations of disabled children, and they have unwisely generalized their position to all disabled children. Professionals in special education who have no knowledge concerning the needs of blind and visually impaired students are making decisions as to how LRE is to be implemented for this very special population.

The profession of education of blind and visually impaired children has a long and fascinating history in integrating or mainstreaming pupils. Since the turn of the century blind children have been placed in regular classrooms in order to benefit from the same academic curriculum as sighted peers. In the 1950s this practice grew dramatically because of a considerable increase of blindness in infants. Many local public school programs for blind and visually impaired children were begun between 1955 and 1965.

It is appropriate to state that the profession of education for blind and visually impaired children pioneered mainstreaming long before 94-142. This fact is important to note because it means that we have more history, more experience, and more extensive knowledge concerning LRE for blind and visually impaired persons.

Blind and visually impaired children have two very different and distinct educational needs. The first need is to receive appropriate instruction in academic subjects, a need which can be met by mainstreaming the child in the regular classroom providing the child has been prepared and an expert in education of the blind and visually impaired is available to the classroom teacher as a support person.

Learning to read is a shared need, but Braille reading and writing instruction will require the attention of a specialist. A dramatic exclamation point to the concerns regarding education of deaf children is the presence of the interpreters at this hearing. One cannot help but be reminded of the significant unique communication needs of deaf children. Unless you were sitting near or next to Mr. Maurer, the effects of Braille reading and writing are more subtle, but nonetheless as significant. They are the communication skills of blind children.

The fact is simple. In order to be literate, blind children need the pleasure and privilege of instruction in reading and writing Braille. In order to learn Braille, the blind child will need instruction from a skilled and specialized teacher. If LRE stresses the regular classroom to the extent that specialized instruction is not possible, then the blind child will grow up illiterate.

A second educational need for blind and visually impaired children is a curriculum which is not shared with sighted classmates. These children have instructional needs which are uniquely related to the fact and the results of vision loss. These needs cannot be met in the regular classroom. Sighted classmates do not need the same instruction as blind and visually impaired children in such subjects as orientation and mobility, independent living skills, social and recreational skills, and career education. These needs are unique because the effect of vision loss on learning requires a disability-specific teaching methodology.

Thus, while other populations of disabled children may have similar needs, the means by which these needs must be met is unique to blind and visually impaired children and necessitate the assistance of a highly trained and skilled professional teacher. Many blind and visually impaired pupils will need at least a short amount of time in a disability-specific setting in order to master both the skills necessary for accessing the regular curriculum and for specialized instruction in areas of the curriculum unique to them.

What is desperately needed for blind and visually impaired children is a full array of placement options ranging from total mainstreaming to placement in settings with other blind and visually impaired children. These options must be available throughout the child's educational experiences so that each pupil can move from one placement option to another as her or his needs change.

Placement is determined by individual needs of a particular child at a particular time in his particular life. The placement which is selected from the full array of options becomes the Least Restrictive Environment for that child for the moment. It is morally wrong, educationally unsound, and delivers an erroneous message to parents and others to imply that a child in a placement other than the regular classroom in the neighborhood school is in a more restrictive environment.

If parents, professionals, and consumers are destined to live with the term LRE in the foreseeable future, then we must stop using the wrong interpretation for LRE as it applies to blind and visually impaired pupils. I urge you to take the lead in defining Least Restrictive Environment as it applies to blind and visually impaired pupils as the Least Restrictive Environment for blind and visually impaired pupils is individually determined and is the educational placement which best addresses each pupil's current assessed educational needs.

Thank you.

[The prepared statement of Philip Hatlen follows:]

TESTIMONY PRESENTED TO THE COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON SELECT EDUCATION

THE LEAST RESTRICTIVE ENVIRONMENT FOR BLIND AND VISUALLY IMPAIRED PUPILS

Prepared by Philip Hatlen, Chair
Joint Action Committee of Organizations of and Serving the Visually Handicapped

MARCH 7, 1989

It is with pleasure that I join my colleagues who are concerned about the education of deaf children to express the position of the majority of parents, consumers, and professionals regarding the education of blind and visually impaired children. Testimony related to the definition of "Least Restrictive Environment" presented today is not a minor issue which can be put aside while more important matters are considered. There is a crisis occuring throughout the United States, and blind and visually impaired children, who will not be given a second chance at an education, are suffering. I am here today to tell you that the motivation for re-defining "Least Restrictive Environment" is urgent and powerful--please do not dismiss this testimony as unimportant or trivial!!

The "Least Restrictive Environment" for blind and visually impaired pupils is the educational placement which best meets the needs of each individual child at the time of assessment. As assessment information is discussed at the Individualized Educational Program (IEP) meeting, the educational needs of the individual blind or visually impaired child will become apparent. In order to meet these needs, it may be necessary to determine the frequency and duration of specialized assistance from a qualified teacher for the visually impaired. Attention must be given to the educational needs of the blind or visually impaired pupil which are not shared with sighted peers. If the result of a thorough assessment and a careful, thoughtful, and creative IEP meeting is a decision that the best educational placement for a particular child at a particular time in her/his life is not a regular classroom in the local school, then there must be options. Whatever placement option is selected, that becomes the Least Restrictive Environment for that child at that time in her/his life.

The concept of "Least Restrictive Environment" (LRE) is one of the more controversial outgrowths of PL 94-142, the Education of all Handicapped Children Act. A noble ideal has divided special education in a most confrontive manner, and issues revolving around LRE need to be resolved. The basic problem is that State and Federal definitions of LRE have been developed with little or no input from some disability groups. A large, but not representative, group of professionals and parents are dictating implementation policy relating to LRE. These people are not professionals in education of blind and visually impaired children, nor are they parents of these children. Rather, they are individuals who have come to certain conclusions about appropriate education of some populations of disabled children, and they have unwisely generalized their position to all disabled children. I invite you to listen to the many voices who believe that LRE as currently defined is appropriate, and then I suggest you ask them how much time they have spent in educating blind and visually impaired children. Professionals in special education who have no knowledge concerning the needs of blind and visually impaired students are making decisions as to how LRE is to be implemented for this population.

The profession of education of blind and visually impaired children has a long and fascinating history in "integrating" (or "mainstreaming") pupils. Since the turn of the century, blind children have been placed in regular classrooms in order to benefit from the same academic curriculum as their sighted peers. In the 1950's this practice grew dramatically. Because of a considerable increase of blindness in infants, many local public school programs for blind and visually impaired children were begun between 1955 and 1965. It is appropriate to state that the profession of education for blind and visually impaired children pioneered mainstreaming long before the passage of PL 94-142. This fact is important to note, because it means that we have more history, more experience, and extensive knowledge concerning LRE for blind and visually impaired children.

Blind and visually impaired children have two very different and distinct educational needs. The first need is to receive appropriate instruction in academic subjects, a need which can be met by "mainstreaming" the child in a regular classroom, providing the child has been prepared and an expert in education of the blind and visually impaired is available to the classroom teacher as a support person.

A second educational need for blind and visually impaired children is a curriculum which is not shared with sighted classmates. These children have instructional needs which are uniquely related to the fact and results of vision loss. **These needs cannot be met in the regular classroom.** Sighted classmates do not need the same instruction as blind and visually impaired children in such subjects as (a) orientation and mobility; (b) independent living skills; (c) social and recreational skills; (d) career education, etc. These needs of blind and visually impaired children are unique because the effect of vision loss on learning requires a disability-specific teaching methodology. Thus, while other populations of disabled children may have similar needs, the means by which these needs must be met is unique to blind and visually impaired children and necessitate the assistance of a highly trained professional teacher of the visually impaired.

Most blind and visually impaired pupils will need at least a short amount of time in a segregated setting in order to master both the skills necessary for accessing the regular curriculum, and for specialized instruction in areas of the curriculum unique to them. What is desperately needed for blind and visually impaired children is a full array of placement options, ranging from total mainstreaming to total segregation. These options must be available throughout the child's educational experiences so that each pupil can move from one placement option to another as her/his needs change.

Placement is determined by the individual needs of a particular child at a particular time in her/his life. The placement which is selected from the full array of options becomes the "Least Restrictive Environment" for that child for the moment. It is morally wrong, educationally unsound, and delivers an erroneous message to parents and others, to imply that the child in a placement other than the regular classroom in a neighborhood school is in a "more restrictive environment".

If parents, professionals, and consumers are destined to live with the term "Least Restrictive Environment" in the foreseeable future, then we must stop using the wrong definition for LRE as it applies to blind and visually impaired pupils.

I urge Congress to take the lead in defining "Least Restrictive Environment" as it applies to blind and visually impaired pupils as:

The Least Restrictive Environment for blind and visually impaired pupils is individually determined and is the educational placement which best addresses each pupil's current assessed educational needs.

Mr. OWENS. Thank you.

Ms. Helen Gruber.

Ms. GRUBER. Good afternoon, Mr. Chairman. I represent the Association for Children and Adults with Learning Disabilities, which has some 60,000 members. Our members are comprised of individuals with specific learning disabilities, professionals and parents. Indeed, the greatest percentage of our members are parents like I who have children with disabilities.

This morning, if I might preface my comments, sir, I will be using the term handicapped a great deal, which is know is not current nor appropriate nomenclature, and I use that because that is the language of the law, not for lack of sensitivity.

We are pleased to be with you this morning and giving you our comments on the Least Restrictive Environment of the Education for All Handicapped Act. We know that the Act states very clearly that children are to be provided a full continuum of services to meet their needs, and that this service is to be delivered in that setting that minimizes restriction. Indeed, one end of that continuum is the regular education classroom.

Data shows, and annually the Department of Education reports, that the disability affecting the largest number of handicapped children in federally-assisted programs is indeed youngsters with specific learning disabilities. Indeed, 70 percent of our children are educated in the regular education classroom. Therefore, it is little wonder that policymakers, administrators and parents spend a great deal of time in looking at the regular classroom as a learning environment for our children with specific learning disabilities, and is this indeed the Least Restrictive Environment?

To that same end, I must say we support strongly Congress', the Department of Education, and local and state policymakers' efforts to improve the regular education classroom environment. We have also worked with the Department of Education on the Regular Education Initiative and will continue our efforts to look at this Initiative and its impact on our children and, frankly, monitor the activities very closely. We will be providing testimony at a national conference on the Regular Education Initiative in Chicago in the middle of this month.

The second thing I think that everyone has addressed today, what we are seeing among our parents is increasing confusion on what is the Least Restrictive Environment. It appears that policymakers and administrators, and, indeed, some of our parents who might not be as well informed, are automatically equating the regular classroom to be the Least Restrictive Environment. This does not seem to be an issue of debate, it is simply something that is somewhat understood. And when we look at this confusion we try to assess, you know, why does this occur. Frankly, I think part of it is how you read the Act itself.

If you read the Act rather selectively, you look at the terminology of placement with children who are not handicapped, and you look at the provisions to require procedures are followed and are documented of children who are removed from the regular classroom situation. These were very important provisions when this law was written because children were removed from regular classroom settings on a punitive basis.

However, if you look at the law less selectively, as Mr. Siegel has done, you see that the law also uses the terminology "maximum extent appropriate." It does not say maximum extent appropriate for budgetary reasons, nor maximum extent appropriate for administrative reasons, nor frankly at this time and place for philosophical reasons. It says very clearly "maximum extent appropriate to meet the needs of the child." Sometimes that is overlooked.

It also calls for the individualized education program, stating the extent to which a child can participate in the regular education classroom. This provision clearly shows that it is not the intent of the Act to presume that all children with learning disabilities, or indeed any other handicapping conditions, will automatically be educated in the regular education classroom.

Mr. Chairman, we have a nice opportunity this year of having a young man serving as an intern with us who is a senior at the University of Maryland. I took the opportunity to ask him—he has been educated under Public Law 94-142—how he would interpret the term Least Restrictive Environment, and I would like to, if you will bear with me, read you his quote because it is his quote not my language.

He writes, "Handicapped children should remain in the mainstream classrooms as long as they are receiving the special services that correspond to the extent and nature of their disability. If the child's disability is too severe to be accommodated for, of it leads him or her to feel uncomfortably physically or mentally, then this environment, the regular classroom, is too restricted."

I think that's kind of an interesting perspective, and as I think Ginger and Larry have indicated, looking at the regular classroom perhaps as the most restrictive environment rather than the Least Restrictive Environment.

What can we say to this community? Quite frankly, 14 years ago you reported out a very effective piece of special education legislation. It requires students with disabilities to receive a free appropriate education specific to their needs, based on an IEP that selects from a full continuum of services to meet the needs of the individual in the LRE. Therefore, we suggest, sir, that we all know the answer to what is LRE. It's really very simple. It is the learning environment with appropriate services specific to a child in a valid IEP. This is developed for each individual student in compliance with the Act. We know that. That's already in the Act.

There is no single project, program, service delivery model that will work for all handicapped children nor for children with specific learning disabilities, nor for something as discrete as a moderately dysgraphic child. Each of these individuals needs a very, very specific personalized program, that is why we call it Individualized Educational Program. Certainly we know with our children with learning disabilities that unless they are in the correct environment, unless they receive the correct accommodations and services, they will not succeed.

We know there is no, if you would, cookie-cutter solution. Policymakers and even parents think you would like to find that solution that we could plug into all kids all kids and it would work. Experience has shown us, sir, that that just simply does not happen.

We also, too, would like to point out two items of additional concern to us. And that is that when we first authorized the law 14 years ago, we spent a great deal of time training individuals on how to write a valid IEP. We presumed at that time, I guess, that these people would stay in place and that hasn't happened. They've moved around. And we really find now is a lot of confusion in the field, and that people really don't know how to write an IEP any longer. We look at a lot of confusion simply in the area of evaluation for diagnoses and eligibility, and evaluation in creating services.

ACRD, as a matter of fact, is developing a position statement on this and when we are completed, we will be happy to furnish this Committee a copy of that. But we hope you will look at those areas as well, in retraining people in some of the basic concepts that were designed to make this law work.

Thank you.

[The prepared statement of Helene Gruber follows:]

TESTIMONY OF HELENE GRUBER, PRESIDENT OF THE ASSOCIATION FOR CHILDREN AND ADULTS WITH LEARNING DISABILITIES, BEFORE THE HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON SELECT EDUCATION, MARCH 7, 1989, INCLUDING AN APPENDIX PRESENTING THE POSITION STATEMENT OF THE ASSOCIATION WITH REGARD TO THE REGULAR EDUCATION INITIATIVE OF THE U.S. DEPARTMENT OF EDUCATION

Statement of Helene Gruber, President of the Association for Children and Adults with Learning Disabilities

Mr. Chairman and Members of the Committee, I am Helene Gruber of Okemos, Michigan. I am the President of the Association for Children and Adults with Learning Disabilities (ACLD). As President of ACLD, I represent more than 60,000 members who are youth and adults with specific learning disabilities, their parents, and many interested professionals. The majority of our members, like me, are parents of individuals with specific learning disabilities. We parents must be the constant advocates for our children in regard to the important issues this Committee oversees.

I am very pleased that ACLD was asked to present testimony today and particularly encouraged that we were asked to address the issue of the least restrictive environment mandate of the Education for All Handicapped Act, PL 94-142.

As you know, the Act requires that states provide assurances to the Department of Education that a continuum of services will be available to meet the educational and related services needs of students with disabilities and that such services will be provided in a placement that minimizes restriction. One end of that continuum is placement in the regular education classroom with special services. The U.S. Department of Education reports year after year that roughly seventy percent of students with specific learning disabilities are in regular classrooms. Also, the Department reports year after year that the disability afflicting the largest number of handicapped children served under Federally assisted education programs is specific learning disabilities. It follows, then, that the great majority of handicapped children whose placement is in the regular classroom are children with specific learning disabilities. It is no wonder that the parents of children with specific learning disabilities, the professionals who serve them, and education policy makers spend a great deal of time thinking about and worrying about the viability of the regular classroom as a learning environment and as the least restrictive environment for our learning disabled children.

It is important for me to stop right at this point and state clearly that ACLD strongly supports any efforts by the Congress, the Department of Education and state and local policy makers to improve the learning environment of the regular education classroom for all students. We have worked closely with the Department of Education on the Regular Education Initiative and we intend to continue that close cooperation and, frankly, monitoring of Department activities under that Initiative. However, given the specific subject matter of my testimony, it is even more important for me to state that we at ACLD, and we parents, encounter an increasing level of confusion regarding the regular education classroom and the concept of the least restrictive environment. Far too often, policy makers, administrators, professionals and uninformed parents reflexively equate the least restrictive environment with the regular classroom.

A selective reading of the Education for All Handicapped Act could, I am sure, contribute to confusion regarding the least restrictive environment. The Act unquestionably emphasizes the education of handicapped children in placements with children who are not handicapped and requires procedures to ensure that removal of a handicapped student from the regular education environment does not occur prematurely. These provisions were included in the Act by this Committee at a time when many advocates were rightly concerned about punitive and forced removals of children with disabilities from the regular classroom. However, I believe a less selective reading of the Act - and we do wish that more of those involved with special education would read the Act and read it carefully - will clear up any confusion about the least restrictive environment. For instance, the Act specifies that handicapped children should be placed with non-handicapped children "to the maximum extent appropriate", not to the maximum extent possible for budgetary reasons, not to the maximum extent feasible for administrative convenience, but to the maximum extent appropriate for each individual child. The Act requires that each child's individualized education program specify the extent to which the child will be able to participate in regular education programs, but there is certainly no implication that all children with specific learning disabilities are presumed to be capable of learning in the regular education environment. The Act requires the Department to ensure that handicapped children receive special education and related services in the least restrictive environment, but an environment commensurate with thier needs.

It is, in fact, conceivable that the regular classroom could be a more restrictive environment than other settings for some students with specific learning disabilities. ACLD has a very capable young man who is a senior-year student at the University of Maryland serving as an intern with us this semester. He is dyslexic. I requested that, as a student educated under PL 94-142, he give me his thoughts on what the least restrictive environment should be interpreted to mean. He wrote: "Handicapped children ...... should remain in the mainstream classroom as long as they are receiving the special services that correspond to the extent and nature of their disability. If the child's disability is too severe to be accommodated for, or if it leads him or her to feel uncomfortable physically or mentally, then this environment (the regular classroom) is too restrictive." That's a very interesting perspective. The regular classroom as too restrictive emotionally or even physically for the child to be comfortable in that learning environment.

So what can we in ACLD advise this Committee as to the best way to ensure that each child is placed in the least restrictive environment and has the opportunity to achieve their potential? It is quite simple Mr. Chairman. Fourteen years ago, this Committee reported out a well conceived and effective piece of special education legislation. It requires that students with disabilities receive a free and appropriate education, specific to their needs, based upon an individualized education program that selects - from a continuum - the services that will meet these individual needs in the least restrictive learning environment. The answer, Mr. Chairman, to the question of what is the least restrictive environment is that it is the learning environment, with appropriate accommodations and services, specified in a valid individualized education program developed for each individual student in compliance with the requirements of the Act. There is no single service model, accommodation, curriculum design, or learning environment that can meet the needs of all handicapped students nor all students with specific learning disabilities nor even a category as discreet as all moderately disgraphic students. Much as we might be tempted as parents, educators, administrators or policy makers to hope that the latest trend in special education service models can be plugged into a "boilerplate" IEP to effectively serve the needs of all those with specific learning disabilities, experience clearly has taught us that it will not. Each child, each student with specific learning disabilities can only hope to achieve his or her potential in that learning environment and with those services and accommodations specified and agreed to in a valid and dynamic individualized education program.

In closing, Mr. Chairman, I would only add that in the past few years we have gotten away from advising and training administrators, educators and parents on how to design a valid and dynamic individualized education plan and to further advise them regarding the important distinction between a diagnosis of disability and an evaluation for services. ACLD is developing a new policy paper on this matter and, upon completion, we will provide a copy to the Committee and to the Department.

Thank you for this opportunity, Mr. Chairman. I will be happy to answer any questions you might have.

ACLD
POSITION STATEMENT
ON A
REGULAR EDUCATION/SPECIAL EDUCATION INITIATIVE

March 1986

INTRODUCTION

ACLD, Inc. has long maintained that educational programs for students with learning disabilities would be more effective and efficient if the various components of education, including special education, regular education, therapies, supportive services and parent involvement, were integrated, rather than planned and administered separately. Integrated education is desirable for all students whether eligible for specialized services prescribed by Public Law 94-142 or not.

In our public schools today, students representing varied problems and needs are in the regular classroom. These may be students with cultural deprivation, economic disadvantage, slow learning ability, poor academic preparation, motivational deficiency, giftedness, special talents, and/or handicaps. Unfortunately, many of these students are not having their needs met in the regular classroom due, to a large degree, to barriers identified by a recent federal Task Force on Learning Problems, namely, 1) attitudinal and philosophical, 2) administrative and organization, 3) resource, 4) instructional and delivery, and 5) personnel preparation barriers. Another major reason students' needs are not met is the lack of integrated planning and delivery of all resources and available special services. All of these factors are confounded by the present economy and increased demands for educational excellence, competency testing, higher grading standards, and diploma and graduation criteria.

Consequently, ACLD, Inc. applauds the U.S. Department of Education's interest in an attempt to provide appropriate services in the regular classroom for students with a wide range of needs. At the same time, ACLD, Inc. respectfully points out that, when intervention in the regular classroom is unsuccessful for a trial period, those students who have not been properly identified as handicapped should be considered for special education evaluation and their eligibility for special education services determined.

This position statement, along with its recommendations, is made as part of ACLD, Inc.'s effort to assist in improving the delivery systems and instructional methods to students with learning disabilities and other learning problems and, also, to safeguard the positive growth of services since the passage of P.L. 94-142.

A REGULAR EDUCATION/SPECIAL EDUCATION INITIATIVE

ACLD, Inc. defines a Regular Education/Special Education Initiative (RE/SEI) as a system of integrated planning, delivery, and evaluation of the effects of services to all students. Such a concept would require an integrated system of management, combining regular education, including its varied dimensions, and special education, under the cooperative efforts of regular and special educators, school administrators, teacher certification boards, planners and administrators of teacher preparation programs in the institutions of higher education, and the regular and special education professional and advocacy organizations.

In no way does the definition of RE/SEI suggest diminution of services to students adjudged handicapped and eligible for special education services under P.L. 94-142.

RECOMMENDATIONS

I. P.L. 94-142 and Sections 503 and 504 of the Rehabilitation Act of 1973 shall be preserved as they now exist.

II. The efficacy of the RE/SEI concept shall be tested through pilot programs.
  A. Such pilot programs should be of a three- to five-year duration and a funding cycle shall be set that gives sufficient lead time to participants to designate appropriate project personnel.
  B. Pilot programs should be federally funded and, because RE/SEI is an integrated program, the planning for Requests for Proposals and the funding of pilot projects should be a shared responsibility of regular and special education.
  C. The Request for Proposals shall require procedures for the following:
    1. Assurance that there will be full implementation of the principles of P.L. 94-142:
      a. Clear procedures for determining the need for special education and related services
      b. Definition of the circumstances under which levels of services shall be changed
      c. Some flexibility in the use of funding for the purpose of experimental programs
    2. Tight controls and monitoring system
    3. Accountability of administrators and teachers
    4. Demonstration of effective interventions which facilitate appropriate referral and prevent inappropriate placement
    5. Incentives for teachers
    6. Programs for students with learning problems to be coordinated across grade levels and schools
    7. Data collection for every student involved in the pilot program which would include socio-demographic variables and all other educationally relevant variables
  D. Before models are proposed to replace the existing programs, a validated data base must be developed for the proposed program.

III. The problems surrounding public education (above) prompt ACLD, Inc. to recommend, concurrent with and/or in lieu of any pilot projects, the following:
  A. The Department of Education assume leadership for the enhancement of skills of all involved groups to meet the needs of all students enrolled in public schools:
    1. Administrators to manage differential staffing and flexible grouping

2. Teachers for greater individualization of instruction and sensitivity to differentiated needs of students
3. Parents for increased participation in their children's educational process
4. Specialized personnel for team efforts
5. Related services personnel for appropriate diagnosis, consultation, therapies, and effective group process
6. Ancillary employees (such as bus drivers, custodial, secretarial, cafeteria workers) for comprehending and managing behavior
7. Students for sensitivity to self and others and self-advocacy

B. The above competency training shall be incorporated into pre-service preparation programs and in service programs involving professional, parent, and advocacy organizations.

C. Local education agencies shall continue and improve the Annual Child Find at all levels.

D. Local education agencies shall develop and implement transition plans that emphasize a continuum program from one school level to another (pre-school to elementary, to intermediate, to high school, to post-secondary) including vocational education, technical schools, community-based programs, rehabilitation, and college.

E. All local education agencies shall expand their curriculum to include intervention strategies to improve social, emotional and academic performance at school, home, and in the community.

F. The Department of Education should encourage research into the effectiveness of current resource room programs which may offer insufficient services for students with learning disabilities currently enrolled.

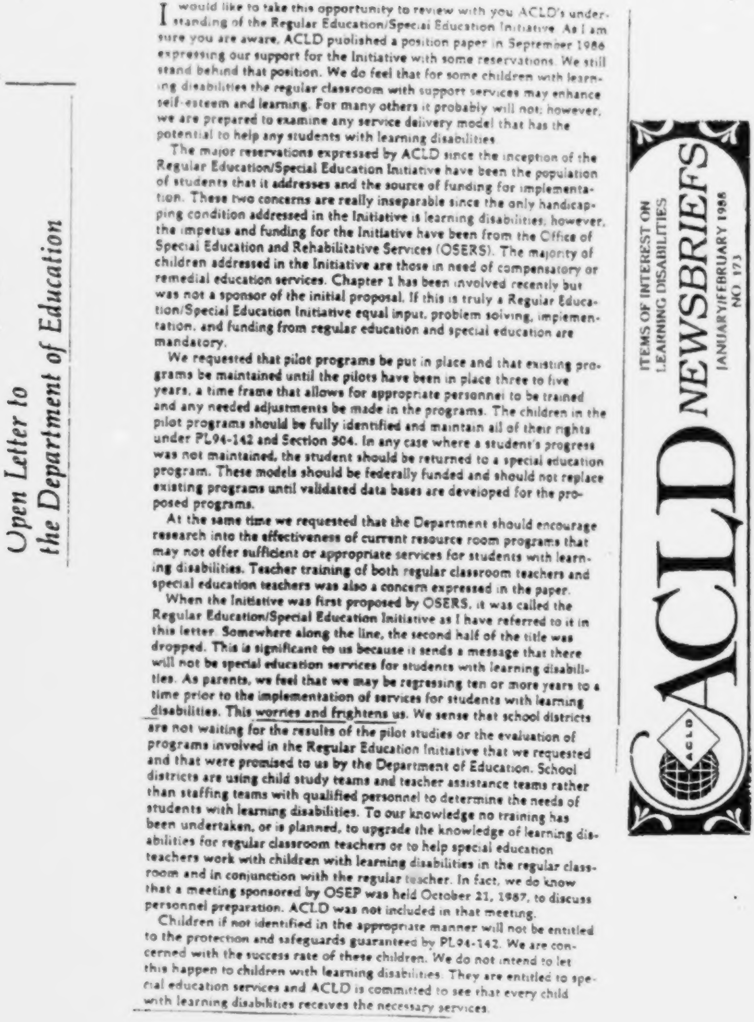
G. ACLD, Inc. shall have representatives serving as official consultants to the U.S. Department of Education in developing plans for an RE/SEI.

CONCLUSIONS

ACLD, Inc. believes Specific Learning Disabilities is a lifelong condition that pervades all aspects of life and can seriously hamper employment and independent living capacity. It is a misconception that many persons with learning disabilities have mild transitory disorders and therefore need only a "watered down" special education. ACLD, Inc. believes that P.L. 94-142 is a significant law and that insufficient time and funds have been expended to fulfill its promise and meet the intent of the law. Consequently, we endorse continued efforts to fulfill the intent of the law, while recognizing that new approaches need to be explored to meet the needs of all students.

ACLD, Inc. recognizes that accommodations in regular classes may be the least restrictive environment for some identified students with Specific Learning Disabilities and other P.L. 94-142 categories, provided their needs are recognized and the students are protected under the law.

These proposals shall not preempt or exclude any student with Specific Learning Disabilities from the protection and safeguards of P.L. 94-142 or Section 504 of the Rehabilitation Act of 1973; rather, they shall work in conjunction with all the laws which guarantee free, appropriate education for all handicapped students in the least restrictive environment with needed support services.



Open Letter to the Department of Education

I would like to take this opportunity to review with you ACLD's understanding of the Regular Education/Special Education Initiative. As I am sure you are aware, ACLD published a position paper in September 1986 expressing our support for the Initiative with some reservations. We still stand behind that position. We do feel that for some children with learning disabilities the regular classroom with support services may enhance self-esteem and learning. For many others it probably will not; however, we are prepared to examine any service delivery model that has the potential to help any students with learning disabilities.

The major reservations expressed by ACLD since the inception of the Regular Education/Special Education Initiative have been the population of students that it addresses and the source of funding for implementation. These two concerns are really inseparable since the only handicapping condition addressed in the Initiative is learning disabilities; however, the impetus and funding for the Initiative have been from the Office of Special Education and Rehabilitative Services (OSERS). The majority of children addressed in the Initiative are those in need of compensatory or remedial education services. Chapter 1 has been involved recently but was not a sponsor of the initial proposal. If this is truly a Regular Education/Special Education Initiative equal input, problem solving, implementation, and funding from regular education and special education are mandatory.

We requested that pilot programs be put in place and that existing programs be maintained until the pilots have been in place three to five years, a time frame that allows for appropriate personnel to be trained and any needed adjustments be made in the programs. The children in the pilot programs should be fully identified and maintain all of their rights under PL94-142 and Section 504. In any case where a student's progress was not maintained, the student should be returned to a special education program. These models should be federally funded and should not replace existing programs until validated data bases are developed for the proposed programs.

At the same time we requested that the Department should encourage research into the effectiveness of current resource room programs that may not offer sufficient or appropriate services for students with learning disabilities. Teacher training of both regular classroom teachers and special education teachers was also a concern expressed in the paper.

When the Initiative was first proposed by OSERS, it was called the Regular Education/Special Education Initiative as I have referred to it in this letter. Somewhere along the line, the second half of the title was dropped. This is significant to us because it sends a message that there will not be special education services for students with learning disabilities. As parents, we feel that we may be regressing ten or more years to a time prior to the implementation of services for students with learning disabilities. This worries and frightens us. We sense that school districts are not waiting for the results of the pilot studies or the evaluation of programs involved in the Regular Education Initiative that we requested and that were promised to us by the Department of Education. School districts are using child study teams and teacher assistance teams rather than staffing teams with qualified personnel to determine the needs of students with learning disabilities. To our knowledge no training has been undertaken, or is planned, to upgrade the knowledge of learning disabilities for regular classroom teachers or to help special education teachers work with children with learning disabilities in the regular classroom and in conjunction with the regular teacher. In fact, we do know that a meeting sponsored by OSEP was held October 21, 1987, to discuss personnel preparation. ACLD was not included in that meeting.

Children if not identified in the appropriate manner will not be entitled to the protection and safeguards guaranteed by PL94-142. We are concerned with the success rate of these children. We do not intend to let this happen to children with learning disabilities. They are entitled to special education services and ACLD is committed to see that every child with learning disabilities receives the necessary services.

ACLD NEWSBRIEFS
ITEMS OF INTEREST ON LEARNING DISABILITIES
JANUARY/FEBRUARY 1988
NO. 173

Mr. **Owens**. Thank you. I thank all the panel for this very useful testimony, and my colleague just leaned over and said this is a very good hearing. Then he paused and said, "Very controversial."

I recognize the fact that the other side is not represented. There seems to be some unanimous agreement here. In response to our attempts to get some comment on the discretionary programs, we got a landslide of comments on LRE, and we felt that we had to respond to that not because we're ready to reauthorize 94-142, but because it is very relevant in terms of the kinds of things that we are reauthorizing, considering in the discretionary grants.

And the one question I would ask to begin is, you all agree on this particular panel—in a later panel we'll hear from the administration people and some others who may not agree—but, are you comfortable with having had enough research done to support your position? Is there enough existing data to back you up? To reconsider in the process of reauthorizing the discretionary grants—does more research need to be done, should more research be funded? Can you document a statement that you make like, "few people know how to write IEPs; you once trained people to write them but now they've disappeared?"

On what basis do you say that and how do you systematically begin to correct that problem? You know. And is there any way we can deal with that in terms of grants for personnel training, et cetera?

Ms. **Gruber**. I suspect that you could document it by going back and looking at the monitoring reports that were done. And this, as I say, is something that universally——

Mr. **Owens**. What monitoring reports?

Ms. **Gruber**. The Department does on the monitoring activities——

Mr. **Owens**. Which Department? What Department?

Ms. **Gruber**. OSEPs.

Mr. **Owens**. Go ahead.

Ms. **Gruber**. Okay.

Mr. **Owens**. We want that on the record.

Ms. **Gruber**. Okay.

Mr. **Owens**. Because some people say they haven't done any——

Ms. **Gruber**. Well, the reports—Mr. Bellamy is here—the reports are a little late in coming out. But they do monitor it. It's the reports that come a little late. But I suspect when they look at the IEPs that if they looked at what they were seeing now as opposed to what they were seeing seven years ago, I think you would see something very different. Something very different. And certainly we see——

Mr. **Owens**. Somebody should do that though.

Ms. **Gruber**. Certainly we are seeing that. You know, our advocates are always addressing that. And it appears now that when you are looking at the evaluation material you are looking at it for diagnosis rather than putting that into programs that work or services that work for children.

Mr. **Owens**. Any other comments? Everybody feel that——

Mr. **Stewart**. Yes. Yes. I'd like to say something, if I may. I would appreciate it.

I would like to say that there is no research that supports one approach over another. All I read are the statistics on the numbers of disabled children in public schools versus the number in "segregated programs." That's all I know. There are isolated studies of different sorts, but nothing specific to evaluate all the programs in terms of outcomes of these children. I believe this should be required in the law.

Mr. OWENS. Yes.

Mr. MAURER. Mr. Chairman, I think that it's documented beyond any real dispute that the education of blind children no longer concerns itself with the use of Braille. In fact, there are studies which have shown that the number of blind students who are now using Braille is at an all-time low and has diminished over the past several years. The estimates vary somewhat, but nobody has estimated that blind students—that more than 15 percent of blind students are currently being taught Braille sufficiently so that they use it at all.

That piece of information, coupled with the experience that we have in the National Federation of the Blind, makes it abundantly clear. That experience is that students, once they come to adulthood and have graduated, don't know how to use it and are trying urgently to find a way to learn Braille as adults. So much so that we in the National Federation of the Blind have set up a number of state programs to do just that, just to teach blind adults how to read Braille.

And, furthermore, I unfortunately am the one usually called upon to hire the lawyers to try to get the school systems to rethink the process and to go through the IEP program and the hearings, and so forth, so that student—an individual student every now and then can learn Braille. In a number of states—three that come immediately to mind—it has been sufficiently recognized as a problem that legislation has been introduced to make it so that a blind student in the public school can decide to learn Braille, and that the school system is required, if the student wants Braille, to teach Braille to the student. Not that all blind students shall be taught Braille, but only that all students who want Braille will have it available.

In a recent case, we had a student and parents who went together and asked the school system for Braille and they said no. And then we got into the hearing process. But not only did they say, "We're not going to teach Braille," they said, "You can't have the Braille book in the classroom." If somebody else is learning with a spelling book which is in print, and if you have a Braille spelling book, it's not part of the IEP for you to have Braille in the classroom and you are prohibited from bringing that book into the room.

So, the individual cases, and also the overall trends, seem to match to me. I don't think we need more study to determine that Braille is no longer being used to the extent that would be useful and helpful to blind students.

Mr. OWENS. I think one section of these discretionary programs, Section 651, Instructional Media, does have a considerable amount of money which is earmarked for recordings for the blind. Would you care to comment on the significance of that or whether we should spend less money there or more money there, or whether that must go forward in addition to return to an emphasis on Braille—access to Braille?

Mr. **Stewart**. Recordings for the Blind is a program which provides recorded materials, and it does, I think, one of the best jobs of doing that that anybody has ever done. The Library of Congress provides recorded materials also, but the Library of Congress program is primarily one for recreational reading. Recordings for the Blind has the largest library of recorded materials of any entity in the United States, and it is expanding at a fairly rapid rate, and it does a good job.

I think that that program is a good program and ought to be encouraged to continue. But it is all recorded material. It has no Braille material whatsoever.

With the tape recorder, people say from time to time that whatever device is currently the popular one is going to revolutionalize the ability of blind people to participate in society. The computer is currently the thing, and they are talking computers and so on. People say that this will revolutionalize blind people.

Well, they used to say that the tape recorder would revolutionalize the ability of blind people to participate in our society. You can't do many of the things that need to be done if you can't read Braille. I keep trying to urge blind people to have and to have educators who teach blind people to have—I want blind people to have the level of competence to participate as fully as their abilities will make them, and Braille is essential to that.

Mr. **Owens**. Thank you. Other comments? Yes?

Mr. **Hatlen**. I'm going to contradict something I said earlier. First of all, I'd like to say that I really don't think further study is particularly advisable or necessary. And the second thing I'd like to say is that I'm not sure there ought to be—that this ought to be controversial. If blind persons—if there is unanimity among blind persons who come before you, among parents of blind children who come before you, and among professionals who work with the blind who come before you that the LRE must be interpreted in such a way as to offer a full array of program options with no judgment made on any one of those, if there is unanimity in this group, there is no controversy.

It's only those who don't understand the education of blind children who create the controversy.

Mr. **Owens**. Now, you use the word "if." Are you saying there is unanimity?

Mr. **Hatlen**. Yes. I suggest there is. Yes.

Mr. **Owens**. Mrs. Greaves?

Mr. **Siegel**. Just real briefly, I think it's crucially important that the Commission's report stated that it received "voluminous" testimony about LRE. It was an extended number of hearings all over the country and they heard more about LRE than anything else. So I think in the record there exists quite a bit of evidence to show that this clearly the problem facing our particular group.

I'd like to make one other——

Mr. **Owens**. Why do you think we have the pressure to do things the other way then?

Mr. **Siegel**. Well, you mentioned that the other side wasn't represented here. And, interestingly enough, we've begun to talk to the "other side." And as we do that, we find that our needs are not as dissimilar as we think. Moreover, I think our dialogue is beginning to show that we both want the same thing, and that what one group wants in fact is not a threat to the second group, or, more importantly, inconsistent with the law. And I think that's starting to happen.

So, I'm hoping we're not going to continue down the road where we have different disability groups contesting each other.

Mr. **Owens**. Well, you have met the other side.

Mr. **Siegel**. We've met the other side.

Mr. **Owens**. You know it's not unanimous.

Mr. **Siegel**. I'm sorry?

Mr. **Owens**. You know there is not a unanimous agreement on how to do this?

Mr. **Siegel**. I think there is a unanimous agreement that there has to be individual determination and that placement should not be determined prior to the determination of need. And I think there is unanimity on that issue, and I think that is the crucial issue in where the law is not working.

Mr. **Owens**. I'm going to come back to that and ask the question, though, are we talking about unanimous agreement among deaf people? Unanimous agreement among deaf/blind people? Unanimous agreement among blind people? Unanimous agreement among all those three categories? And then are other persons who are severely handicapped, are they in a separate category in terms of—maybe there's not unanimous agreement among them?

Think about it while Mrs. Greaves——

Ms. **Greaves**. All I was going to respond to, Mr. Chairman, was that in our discussions with "the other side" we recognize that each of our own populations have specific needs, and that we agree that we need to all work together to make sure that those needs for those specific populations can be met.

Where we feel the confusion is and what we need your help with is the interpretation of that provision that allows for that option to meet the need of integrated placement—that it is being enforced at the expense of the other options. And we need clarification of that to benefit all of the handicapped children, not just one particular population. We're feeling comfortable with recognizing that "the other population" feels the same way. But we really don't want to take away the opportunities for any other handicapping population to have a placement that is going to meet their need.

We've just got to make sure—and it's an urgent—it's a real urgent situation where we need help immediately because as of September 1, 1989 there are resource programs for the blind that are being dismantled outside of the IEP. Outside of the IEP. Programmatic changes. That's why we need your help.

Mr. **Owens**. I said before that, we've gotten an avalanche of comments from the deaf, the deaf/blind and the blind about this LRE problem. I want to get on the record some clarification.

Dr. Wagner who testified earlier has said there are 11 disability categories included in her study. Those are the 11 major disability categories that we deal with? You may constitute three or four. Is that the problem; is there a dividing line between your three or four and the rest of the 11? The mentally retarded, for instance, the physically disabled, etc. Do they want something very different from what you want or is that oversimplifying it?

Can we look for clarification in the research as to some of the things we may do with these grants to alleviate the situation, or later repeal some part of 94-142 which just speaks in terms of certain categories having one set of standards and other categories having another set of standards, or is that oversimplifying the problem?

Ms. GRUBER. Sir.

Mr. OWENS. Ms. Gruber.

Ms. GRUBER. You are right. If I might, I think what you are seeing—and someone on the earlier panel addressed the issue of a vocal group as a minority perhaps speaking as a majority. Or, the tone of what they said had that flavor.

And I think that's somewhat what has happened. What you are seeing is, frankly, if you would, to look at integration for socialization as being a prime goal of certain groups, perhaps willing to give up education. And I think then you see the greatest percentage of groups, however, saying the law is there. I mean, it is there.

If we really allow the basis on a child's individual needs, we don't have to make any changes. But we have to remove from administrators, frankly—and the pressure is coming from somewhere, and I'm not going to say from where— it's coming from somewhere to move those children into those environments. And partially it's driven.

Mr. OWENS. Is it cost-cutting?

Ms. GRUBER. Of course it is. And part of it has been driven from Washington as well on the public policy.

Mr. OWENS. Is Washington concerned about cost-cutting or something else?

Ms. GRUBER. Mr. Chairman, you probably know the answer to that better than I do. Yes, I am sure part of it is budgetary-driven. I think part of it is driven by people who are very, very well intentioned. But, you know, it troubles me not only as a parent of a child with a disability, but as a taxpayer, to say we are using our education dollars for something less than education.

Mr. OWENS. Thank you. Mr. Bartlett. Did you have another comment, Dr. Stewart?

Mr. STEWART. Yes. May I go back to the previous question about research? I would like to say that I feel very comfortable in our research supports of physicians.

And I would also like to point out that before 1975 research on a national level showed that 96 percent of deaf adults were gainfully employed on the liberal market. Ninety-six percent. That's better than the general population altogether.

And today there has been no research, ever since then, in 1972, until now on employment of the deaf population. So, if that research were brought up today for further research, it would be—we would, I think, find sad facts on the employment of deaf adults today partly because of the LRE, or Least Restrictive Environment, interpretation.

Mr. OWENS. In other words, we've gone backwards instead of forward?

Mr. STEWART. Yes.

Mr. OWENS. Mr. Bartlett.

Mr. BARTLETT. Thank you, Mr. Chairman, for a great entre to try to either muddy it up or clarify it even further. Let me explore several of the issues that were raised.

First, I think it is important to say, and I know that one of the witnesses didn't intend this quite the way it came out—but I think it's important to remember that everyone involved in the education of the handicapped at the education level and the parental level are interested in good education. So, it's not a lack of—or, it's not an ill-motive of people that are interested in socialization and disinterested in education. This just simply is not correct. All the parents are interested in the education of children, as are teachers. There are differences of opinion about how to achieve that, but I don't think it's for ill-motives.

It's also important to note that there have been some rather startling successes or 94-142 through the use of the Least Restrictive Environment, both with the deaf students as well those with other disabilities. I think the purpose of this panel and the purpose of the report a year ago from the Commission on Education of the Deaf is to determine if in fact there are some improvements that can be made in placement.

Now, with regard to those improvements, I wonder if any, or all, of the panelists could give me an indication as to whether there is a difference of opinion on this subject of—the general subject of has LRE gone too far for blind and deaf students? Whether there is a difference of opinion within the blind and deaf community among parents of hearing impaired or parents of visually impaired students, and could you give us some kind of a sense as to how many parents feel one way versus another way? Is there any indication that?

I thought that would stir things up.

Ms. GREAVES. Let me tell you, first, that our parent organization has a broad-base of parents whose children are in varying placements. And, in fact, 90 percent of the children in California are in regular school placements, and ten percent of them are in the two states school serving the deaf.

Our organization has as its membership parents who come from the aural persuasion and parents who use total communication, and parents who are just beginning into the process. And we have parents who have deaf/blind children as well.

What I can tell in answer to your question is that those parents who have children in the regular classroom, in the regular special day class settings right now, that classroom that is on a regular school site but is a grouping of children, and some of those kids are being mainstreamed to meet their needs, are in complete and total agreement of the seriousness of misinterpretation of LRE. Because those children that are in that class have come from other districts in order to make the class. And those classes that they've been working years to get this one class developed—even though you've still got maybe the variant age range, you've got the variant in ability, hopefully you've got the same teacher over a period of time, but generally you do not—so, there are some weaknesses. But they're absolute panic-stricken because they're going to lose this class.

And, in fact, this class that is in this rural area is being considered a restrictive placement. And yet you don't have—it's not far away from home. It's not completely totally far away from home. It is maybe just one district away, they've got normal routines to their lives. So, those parents that have those children in those placements are in agreement with us. I can speak for them.

Mr. **Bartlett**. Are there parents who are in placements today—whose students are in placements today that are in more mainstream settings, such as your school district is trying to send you? Are there parents who then think that's a good setting and want to keep it?

Ms. **Greaves**. And then we have parents whose children are totally mainstreamed and they have perhaps the aural approach, and it is working for them. But in some cases, those children that are mainstreamed do not live in that school district of residence. That school district that they're attending happens to have an aural track program. And they've got to come from another district in order to participate in that program.

With the current emphasis on placing them back into the regular class, the school closest to home, they're going to not get a referral. I their next IEP process they're going to have to go through a negotiation, they're going to have to not sign their IEP and go to Fair Hearing in order to keep their placement in that district that is far away from home that gives them the mainstream option.

Mr. **Bartlett**. Are there organizations of deaf parents who disagree generally with what the panel has said today? Are there other organizations that aren't here and just simply don't agree?

Ms. **Greaves**. Well, you may be speaking of—perhaps you might be referring to A.G. Bell, that they——

Mr. **Bartlett**. Actually, it was an open-ended question.

Ms. **Greaves**. And there is someone here form A.G. Bell today. We have spoken with them and we agree—both of us agree—that the opportunity, the variety of options, in order to meet their specific needs, be it the mainstream option, be it the special day class, be it the state school, has got to remain intact. And I am not feeling that we are in disagreement. We have spoken about that.

Mr. **Bartlett**. Do they feel that you are in disagreement?

Ms. **Greaves**. I do not feel that we feel that we are in disagreement.

Mr. **Bartlett**. Mr. Siegel.

Mr. **Siegel**. I think there's a difference between preferring that your child goes into Placement A rather than B, your child be mainstreamed. And I've represented a lot of deaf children whose parents wanted them mainstreamed and the school district wanted them to go to a state school. There is a difference between wanting your child to go to a mainstream programs as opposed to a state school, for example, and being in disagreement with other parents who want an individual determination.

So, I don't think there is a disagreement. I think there is an understanding among parents of all kinds of deaf children that different deaf children—because the hearing loss is so significant and the needs there are so different—there is an understanding that there are different placement needs for different children. But there is not a disagreement that Ginger wants her child to go to Placement B and a client that I had with a child who was very aural, needed to go to Placement A.

Mr. **Bartlett**. So there is not a substantial division among the deaf community in your opinion?

Ms. **Greaves**. No.

Mr. **Bartlett**. Okay. Mr. Maurer, the visually impaired?

Mr. **Maurer**. Yes. I said that the number of people who are learning Braille is on the decline. I take it that that means that somebody is against it. Otherwise, it wouldn't be on the decline. However, I think that organizations of people who are interested in education of blind children do not disagree about that.

I think there are other reasons for it. I can speculate with you about them. I once upon a time thought there was an uncontroversial bill that was going into a state legislature and I went to talk about it. It was a bill that said that there ought to be more Braille taught to blind children in the state. When I got there the superintendent for the school for the blind was there and he was against it, which I thought was sort of a shocking and an astonishing thing.

So, I'm not saying there's not going to be some controversy about it. There will be some controversy about it, otherwise there wouldn't be a problem. But I think that among those who are organized with blind children, parents of blind children, blind adults who are part of the organization or major factors in it, there is no substantial disagreement. Okay?

Mr. **Bartlett**. Let me move on to the report——

Mr. **Owens**. Dr. Stewart has——

Mr. **Bartlett**. Dr. Stewart?

Mr. **Stewart**. Yes, sir. May I make one more comment? That is, I'd like to raise a question in your mind that why does there have to be an agreement between the disabled community? I thought that the law was for individuals, individual children, and I would like to leave that thought with you. That even with one child who suffers under Public Law 94-142, I believe is wrong.

Mr. **Bartlett**. That's very eloquent, and I concur that there doesn't have to be a unanimity on placement of all children in the same place. The point of my question is to try to determine whether there is a difference of opinion about the current implementation of 94-142 among the deaf.

Let me move on because I have other questions, and you can fit your answers into those.

The report that came out a year ago, in February of '88, entitled "Toward Equality: Education of the Deaf", the Commission on Education of the Deaf report, which said some of these same things—has there been a response or any change in implementation either from the federal government or by LEAs as a result of this report? Does anyone know if it was acknowledged or was anything altered as a result?

Dr. Stewart.

Mr. **Stewart**. Yes. Sure. There is my viewpoint. Not from my viewpoint. With LRE specifically, as far as we know, it's become either worse where there have been more restrictive rules regarding LREs than ever before.

Mr. **Bartlett**. Okay. On page 36 of the testimony, Part 3, entitled, "The Act provides clear guidelines for applying LRE," this was the testimony by Mr. Siegel. The gist of that whole section, Mr. Siegel, as I read it, was that both the law and the regulations are already in place that would do what you want it to do.

A two-part question. First, is that the gist of your testimony? That the law and regs already exist, that merely are being badly implemented or misapplied? And, two, what is it that you would have either Congress or the Department of Education do differently, and how would you have us go about it?

Mr. **Siegel**. The law, as it's in place, is an excellent law. As I stated in my opening remarks, that the qualifiers on LRE ought to be terribly protective, and ought to insure that there be an individual decision. There have been many, many different cases where judges have disagreed about LRE, but a good majority of them have stated that you make an individual decision and then you decide placement, which is consistent with these regulations and with the qualifiers in there that ought to protect children.

But the reality is—and this report indicated that despite this—and this is the real paradox and the frustration of the law. That despite this—and we've had 14 years of the law—that's not the way school districts are acting. My experience is daily, going to IEP meetings and doing Fair Hearings. In the middle of the Gallaudet demonstrations last year I was in a Fair Hearing on this exact issue, a deaf child that had to go 25 miles to a program to be with other deaf children who couldn't communicate with her, were four and five years difference in age. The parents wanted that child to go to a residential school where there were hundreds of deaf children. In the midst of the Gallaudet demonstrations, and as this was ready to come out, there was absolutely no knowledge or understanding of the wonderful points that were made in this.

Now, in terms of remedies, step one has to be—and I have yet to come across a school district that even knows that this exists. Now, that's not to say that there aren't many districts that don't know about it, because obviously I'm in California and I work with a certain number of districts. Step number one is we would love to see the Department of Education immediately and formally take the recommendations in Chapter 2 of this book—a lot of federal money I assume went into this, and a lot of hard work—and make sure that it is specifically implemented.

In California at this time—and I agree with your earlier comment about that basically educators want to do what's right, and I don't question their sincerity about that—but at this time in California there is systematic movement toward integration, generic integration. And that's what's wrong. So, number one, that this be immediately and formally implemented by the Department of Education and every state department of education get some kind of clear directive on these recommendations.

Number two, as an attorney who works in this every week at IEPs, the IEP ought to protect children. But what the IEP does—and school districts have become very good at this—there are very specific things that I mentioned before, I'll be very brief, specific things that you talk about in the IEP. Tell us what the current level of performance of the child is. Let's write short-term goals and objectives which get very specific. The child will be able to spell at the sixth grade level in a nine-month period.

And then, three, what is the criteria evaluation? The IEP process has to have in place the requirement that the team discuss the more basic components of a child's education. You can have all the goals and objectives in the world, but if that IEP doesn't include language mode, communication access, and a discussion of what the peer opportunities are of the child, those goals and objectives are absolutely meaningless.

I would love to see—and the Commission said it—love to see the IEP process formally consider those things. Not that you would be mandating that any one child would have to have a certain language or a certain communication mode, but the team has to discuss it before placement is determined. Okay? Thank you.

Mr. **Bartlett**. Well, that's very helpful. You're suggesting the IEP process is far too short-term and activity-related as opposed to the--instead of stepping back and seeing forest, it tends to concentrate on climbing each individual tree?

Mr. **Siegel**. Exactly. That's an excellent metaphor.

Mr. **Bartlett**. Okay. Let me go on. I want to put something out on the table because I want to hear outloud your response as to—both for my own sake as well as everyone else who is listening in for the record—are you advocating a preference for residential schools, for the old institution—is that your advocacy? And, if not, then say it either is or isn't and tell us what—crystallize then what your advocacy is vis-a-vis residential schools.

Ms. **Greaves**. We are not advocating one placement over the other. We are advocating options, and that those programs that are intact and that are working need to stay in place. The deaf child has varying abilities, varying needs, and need to be able to move easily from placement to placement.

And in adding on Larry's point in regards to what can happen in the IEP process, is that there has to be absolute discussion of program options that come in with the assessment, that are in line with the assessment of that child's needs. Right now—and, again, we can only speak to California—there are service delivery models listed on the IEP form and they check them. And that's it. There is no discussion as to whether or not this one program option over here will fit into his needs. That has got to also be added to the process in order to keep those placement options in place.

Mr. **Bartlett**. So, you're not advocating a preference for residential schools?

Ms. **Greaves**. We are advocating a preference for appropriate placement that meets that child's needs and that you need a varying degree of placement options in order to do that.

Mr. **Bartlett**. Is appropriate placement usually residential schools in your opinion?

Ms. **Greaves**. It depends on the specific needs of the child.

Mr. **Bartlett**. So, no, it's not?

Ms. **Greaves**. In my case, in our son's case, it became the appropriate placement. And if that option is gone, then he is not going to be able to get an appropriate education.

Mr. Hatlen. I'd like to respond to that also. I think that one of the problems that this panel has is that if the regular classroom is viewed as the least restrictive environment, then the residential school becomes the most restrictive environment. Most restrictive environment is a powerful term, a powerfully negative term to parents, to educators, to a lot of people.

You asked about unanimity a while ago. I would suggest to you—I firmly believe that among blind persons, among professionals, among parents, if you ask them if the residential school for blind children could be the least restrictive environment for some children, they would all say yes, everyone of them. I don't think you'd find any disagreement with that as a Least Restrictive Environment alternative.

What we're saying is let's get rid of this idea that there is a hierarchy of desirability in placement. Let's look at placements as though they were all neutral or all equal or all best and no longer gauge the quality of a program by the amount of mainstreaming.

Mr. Owens. Will the gentleman yield? Would you advocate throwing away the term Least Restrictive Environment and replacing it with Most Desirable?

Mr. Hatlen. Well, I actually wrote an article that was published recently entitled "Most Appropriate Placement: The Least Restrictive Environment for the Visually Impaired Child."

Mr. Owens. Thank you.

Mr. Bartlett. Let's then talk about that somewhat because there are other children with other types of disabilities who historically have not had access to a Least Restrictive Environment. Their educational setting became either a separate classroom in which all handicaps were put in one classroom, and all age groups, and told to fend for themselves or they were put at the back of the room and told to be quiet. Or, worse of all, they were sent to special residential schools completely out of any sense of communication or mainstream or any kind of education.

So, Least Restrictive Environment came about as a way of forcing students with those other handicaps that are best served educationally in more of a mainstream classroom, using Least Restrictive Environment to force them into a less restrictive environment, and therefore better education. So, how do we design a law that in fact accomplishes both goals for both sets of students?

Mr. Hatlen. I have a great deal of respect and empathy for my colleagues in other areas of special education. I've been in special education for many years and I remember in California the day schools for orthopedically handicapped children. Very, very minor disabilities, but isolated. That certainly was not the Least Restrictive Environment for many of those children. And I admire the efforts——

Mr. Bartlett. Nor the most appropriate environment, I suspect.

Mr. Hatlen. That's right. So, I admire the efforts of many of my colleagues in areas of special education in which education has been denied, misappropriately applied, very inappropriately provided. I agree entirely with that. But I also think that those same individuals would say children's needs change. We need to look, as Mr. Siegel has said several times, at needs before placement.

When we do that, we may very well find that for certain periods of time, maybe very short periods of time, a school for the blind would be a good place for a child to learn specific skills. Maybe the child out in rural California could benefit from a year at the school for the blind to learn the Braille skills that Mr. Maurer has so graphically described are needed. He's not going to learn them out there in rural California very well.

So, you need that flexibility of the service delivery systems. You need to look at a child at this moment in his or her life and say, what is the Least Restrictive Environment, most appropriate placement, at this particular moment. And it might be different next year. And all of those placements are equally good and equally appropriate.

Mr. BARTLETT. Mr. Siegel, how would you approach drafting the process so that you end up still having Least Restrictive Environment which drives the process more towards mainstream, but make it as appropriate?

Mr. SIEGEL. I'd be naive not to note that there was a Congressional preference for mainstreaming. Fourteen years ago when the Act was passed, there were millions of handicapped children out in the boonies, as you've noted—and we cannot ignore that nor do we want to do anything to change that. The existing regulations I think are quite good in terms of defining Least Restrictive Environment and ought not to be changed so as to protect the initial gains and the purpose of the Act, and to make sure that those children who were isolated so terribly before doesn't happen again.

So, I'm not suggesting that the Congressional preference is wrong. I would go back to making sure that you beef up the process—and I go back to the IEP suggestion. That's a neutral suggestion because by saying you have to talk about communication needs, language needs, peer needs, that doesn't say we're going to turn LRE on its head and now we're substituting one generic placement for another.

But by adding those kinds of concepts and evaluations and considerations, I think you then insure a much more individual determination and you're still keeping the Congressional preference for mainstreaming. So, those children who need that will get it. And it's neutral.

I'm not saying you now make sure that the regulations read that all deaf children ought to have the following placement or all blind children. That would be ludicrous and it would be folly to suggest that. But to make sure that the IEP process is considering the most basic components of a child's placement. That has to happen first, and it won't endanger the LRE provision.

Mr. BARTLETT. Mr. Chairman, I have a lot more questions which I won't ask but will at subsequent hearings. And I hope you all come back to subsequent hearings. I might suggest for the subcommittee's consideration that an interesting hearing one day, either in Washington or a field hearing, would be a hearing consisting entirely of deaf high school students who have been through the process with various settings. Most deaf high school students, I've discovered, have in fact gone through different placement settings during the course of their education. And most have very strong opinions about what was wrong and what was right with each of those settings during the course of their high school career.

While it may only give us only anecdotal evidence, it may help both the Congress and OSERs to understand. I'm not at all certain that any legislation either can or should come out of the process. In fact it strikes me that it probably shouldn't. What should come out of the process is an increase in understanding.

I want to say in conclusion that there is some fear out there among parents, among those who have been through bad placements in past years—and sometimes they go through bad placements this year—that fear really, I suppose, came home to me in my first meeting on 94-142. I recall it was the tenth anniversary of 94-142 and there was a big conference in downtown Washington. I was new to the subcommittee, although I had been acquainted with 94-142 from local education work. And so I was invited to a breakfast downtown with some 5,000 special educators and parents there to commemorate 94-142.

It was a most interesting experience because—actually, it was my baptism into the politics of 94-142. I was invited to sit with a group of Texans. Several parents, several administrators and several teachers at a round table of ten. During the course of the breakfast each of them, one at a time, and sometimes all at once, proceeded to beat upon my head to tell me what was wrong with 94-142 and its implementation.

I was rather stunned because I had always thought that 94-142 was a pretty good deal—I still do—and a good educational tool. And so I was kind of stunned and I was wondering, gosh, I hope nobody got the picture of my license number coming in here because there are 5,000 people who are against 94-142. So then the speeches started. And on the tenth anniversary, one speaker after another went to the microphone and said 94-142 was written on stone tablets, it can never be changed, it should never be changed.

I remember one speaker in particular said, "Not so much as one semicolon of 94-142 in statute or in regulation will ever be changed," and he got a standing ovation, including my table.

[Laughter.]

Mr. Bartlett. And so we got up to leave and they got up to leave and everyone was shaking hands and smiling. I'm candid so I just couldn't stand it. I said, "Wait, this table sit back down. I missed something. You all told me what was wrong with it and then you applauded when they said that nothing could be changed." And that's when I got my best education, and that was when they each told me that there was remaining a legitimate fear to never go back to the dark ages. We have achieved a great educational expansion for children with disabilities through 94-142 and never will the community—will educators or will teachers or parents ever consent to go back to the dark ages of placement in the closet.

So, during the course of this consideration, your panel—and I think you've done a very eloquent job of it—I think it's important that while we talk about perhaps changes in placement and improvements, that no one is discussing going back to the dark ages of placement in the closet.

Thank you, Mr. Chairman.

Mr. Owens. Thank you. I think you've all come from Illinois, Michigan, as far away as California, and we apologize——

Voice. Sunny.

Mr. Owens. Sunny. Yes, we apologize for the weather, which was probably arranged by the California Chamber of Commerce so you'll appreciate what you've got back home.

We apologize for the limitations placed on your time. I would like to close the hearing by allowing you to have one minute to say anything that you have on your mind that you have not had an opportunity to say at this point.

Mrs. Greaves, do you want to begin? You don't have to if you don't have anything that you missed.

Ms. Greaves. Perhaps I could be last, of the last comments.

Mr. Owens. Mrs. Gruber.

Ms. Gruber. That is not fair.

[Laughter.]

Ms. Gruber. I guess simply to reiterate, in going back to what Mr. Ballenger said, the law is a good law. It really is problems in implementation and we hope that you will see that it is implemented appropriately.

Mr. Hatlen. I believe that this hearing has given us an opportunity to express some feelings, some opinions, and, we believe, some facts about both our respect and absolute commitment to 94-142 and some of our real concerns about implementation. Thank you.

Mr. Owens. Mr. Maurer.

Mr. Maurer. Thank you, Mr. Chairman. I think that one thing we should say is this. Public Law 94-142 has, I think, had some impact and some valuable and useful impact. For blind students, it doesn't work very well. It occasionally does a worthwhile job. But more often than not it doesn't. More often than not what you have done with the blind students is take them from one setting and put them in another without sufficient resources to make it possible for them to do the kind of education which would be helpful.

I think in response to one of the comments and one of the questions that was made earlier, somebody says, would a residential school be better? You're not going to get unanimity on that question from the blind, but you are going to get unanimity on one question. And that is that if the education available in many of the school districts is set against a really good quality education in a residential school setting, then the parents and the blind people who have been students and are no longer, would have wished urgently that they might have gone to the residential school. There would not be unanimity on the question of whether or not everybody ought to be required to do so.

I think that I have today tried to address a very narrow question. But I think it is symptomatic of some other things. That very narrow question is shall blind people be taught the skills that blind people need in order to compete. And the specific one which I've tried to focus on more than others is Braille. Without any question, the blind people who are coming out of schools today are illiterates, if you think that literacy means the capacity to read and write. That means that we have a resource which is being wasted.

And so I was all cheerful about this hearing until I heard one of you say that perhaps there shouldn't be any changes. If there aren't any changes, then my alternatives are the same next week and next year as they were last week and last year. And that is primarily to get into arguments on an almost ongoing basis with school systems about whether or not an individual student here and another one there will be taught Braille. And because a lot of people don't know I'm around, all the people who haven't heard of the National Federation of the Blind—or, if they have, don't have the initiative to go hunt it up—won't be taught Braille and we will have 20 years from now a generation of illiterate people.

Mr. **Owens**. Mr. Maurer, I want you to know that the Chairman of this Subcommittee is only recently and temporarily a Congressman. In my heart I'm a librarian, I always will be a librarian. And I think at the heart of our civilization is the ability of an individual to read an individual book. And you have a strong advocate on this side of the table. I want you to know that. The ability to read an individual book, whether in Braille or in regular print, is at the heart of our civilization, and there is no substitute for that. I think blind people should be given the same opportunities everybody else has.

Mr. **Maurer**. It is not surprising, Mr. Chairman, to me that the modern democracies all occurred after writing became fairly widely available.

Mr. **Owens**. Thank you.

Mr. Siegel.

Mr. **Siegel**. I was struck by what Congressman Bartlett said in his closing remarks, and I want to stress just two quick points.

What we're asking for I think is not a train heading backwards and the integration train heading forward. I feel very strongly, with my understanding of the law, the case law in the last 14 years, that in fact what we are asking for is that the two trains can proceed very easily and very fully consistent with the law down parallel tracks into the future.

I want to leave you with that and also the fact that I am greatly encouraged and very moved by your sensitivity to these issues and your commitment, and I go home with a great deal of encouragement knowing that you've obviously thought about these things. I appreciate that and I appreciate the chance to be here.

Mr. **Owens**. Dr. Stewart.

Mr. **Stewart**. I would like to comment that I have spoken with others over the idea of what to do now about deaf children and the public schools in their particular towns and if they are ready to accept that deaf child. We then go ahead and put that deaf child in that school and force those people to learn, or do we put that child in a facility with a special program? And that is a dilemma that has been presented to me, and I'd remind them to remember, "free appropriate public education," that we should not put children into a new environment until that environment is ready for them. I would like to leave that thought with you.

Finally, when hundreds of deaf people demonstrated across the country, I think there is a message there for all of you. That the law so far has been quite wonderful, but it has been interpreted in a way that is "not big enough for all handicapped children." And I feel that the law can be big enough and we need to make sure that the law is interpreted in a way that keeps the children happy. That is one of the things that we hardly ever hear about in regards to LRE—are the children happy? And I think we should ask that question more again and again to all individual deaf children.

I thank you very much.

Mr. OWENS. Mrs. Greaves.

Ms. GREAVES. I'm just going to read you a final note from a mother, if I can do it. "Benjamin did not have direct and specialized access to language and for those deaf children that do not have that access, do not have those options to have that access to language, what they become is like a heart with no beat, it's like a mind with no words, and they are a body with no soul. So please help us make sure that our options stay intact." Thank you.

Mr. OWENS. Thank you very much. I thank all of you very much. The hearing of the subcommittee is now adjourned.

[Whereupon, at 1:15 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows.]

"INTO THE TURBULENT MAINSTREAM"-- A LEGAL PERSPECTIVE ON THE WEIGHT TO BE GIVEN TO THE LEAST RESTRICTIVE ENVIRONMENT IN PLACEMENT DECISIONS FOR DEAF CHILDREN

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"INTO THE TURBULENT MAINSTREAM"

> Championship prowess will sooner be attained if she concentrates on intensive training and learning to swim before she plunges unprepared into the turbulent mainstream. When her strokes are stronger, she will be able to make better headway in the water.[1]

One of the goals of the Education for All Handicapped Children Act (Act) is to educate handicapped children with nonhandicapped children "to the maximum extent appropriate".[2] This concept of educating children in the least restrictive environment (LRE) has provoked more controversy and confusion than any other issue in special education.

Nowhere has this controversy been more acute than in the field of deaf education. Deafness creates obstacles to acquisition of language and communication. To help overcome these obstacles to learning, deaf children require an intensive language development environment staffed by highly trained professionals in deafness and often requiring special programs. But there are concerns that placements guided by the "mainstreaming" principle may not be appropriate for many of these children. As the Commission on Education of the Deaf (Commission) found in its Report to the President and the Congress of the United States:

> Parents, deaf consumers, and professional personnel of all persuasions have, with almost total unanimity, cited LRE as the issue that most thwarts their attempts to provide an appropriate education for children who are deaf.[3]

"CORE VALUE"

Part of the reason for this discontent has been the position taken by the U.S. Department of Education (DOE) on the implementation of LRE. The Department of Education has enforced a policy based upon the philosophical premise that LRE is the "core value" of special education. On January 8, 1985, Assistant Secretary of Education Madeleine Will stressed her commitment to LRE:

> Education in the...[LRE] is what I envision as the last barrier to full implementation of Public Law 94-142. This concept is becoming the cornerstone upon which federal special education policy is being built. It certainly is the core around which my own beliefs about special education have evolved in terms of early childhood programming, school age programming, transition services and adult services. In my own mind all have evolved with the concept of least restrictive environment as the core concept.[4]

DOE's emphasis on LRE as the "core value" has turned a congressional preference into a requirement. DOE's position has been made clear to state and local education administrators through compliance reviews, monitoring, and manuals.

The initial absolutist position of DOE was met with a chorus of concern by parents, professionals in deaf education and deaf consumers. They perceived the focus on LRE as a threat to specialized deaf programs. DOE attempted to assure these groups there was still some place for specialized and residential programs for deaf children. Assistant Secretary Will acknowledged:

> In some cases, separate environments have been recognized as the least restrictive for some individual children. We recognize that inherent in a free appropriate public education is a continuum of services, including separate facilities, both public and private.[5]

However, DOE continues to emphasize LRE as a primary consideration in placement decisions. This primary emphasis is contrary to both Congressional intent and judicial interpretations of the Act. As an appeals court has stated:

> The degree to which a challenged IEP satisfies the mainstreaming goal of the EAHCA simply cannot be evaluated in the abstract. Rather, that laudable policy objective must be weighed in tandem with the Act's principal goal of ensuring that the public schools provide handicapped children with a free appropriate education.[6] (emphasis added)

CONGRESSIONAL INTENT

Before 1975, handicapped children were often segregated and kept out of regular public education systems. Senator Robert Stafford (R Vt.), one of the original sponsors of the Education for All Handicapped Children Act of 1975, pointed out that Congress "had a view of integration with non-handicapped children as the governing principle, especially where there is clear evidence that just the opposite was what was occurring in the past."[7] Congress put in a preference for integration by requiring in the Act that states establish:

> [P]rocedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.[8]

Senator Stafford explained that Congress realized integration might not be possible for many handicapped children. He stated: "We recognized, [however,] that there are many instances when it would be harmful to a handicapped child to force him or her into a regular classroom situation. (see HR Rep. No. 94-332, 94th Cong. 1st Sess. 9 (1975)). This is a decision which should be reached during the construction of the individualized education plan."[9]

Chief Justice William Rehnquist, speaking for the majority of the Supreme Court in the Rowley case, interpreted the Act in the same way:

> Despite this preference for 'mainstreaming' handicapped children--educating them with non-handicapped children--Congress recognized that regular classrooms simply would not be a suitable setting for the education of many handicapped children. The Act expressly acknowledges that the "nature or severity of the handicap may be such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The Act thus provides for the education of some handicapped children in separate classes or institutional settings.[10]

DOE's regulations implementing the Act reinforce this individualized approach to a placement decision. Comments to the regulations explain: "The overriding rule in this section is that placements must be made on an individual basis. The section also requires each agency to have various alternative placements available in order to secure that each handicapped child receives an education which is appropriate to his or her individual needs".[11]

By using this language, the Department of Education has acknowledged that alternative placements, including residential placements, must be made available. However, DOE considers the continuum of alternative placements to be a cascading hierarchy from regular classrooms to segregated residential institutions. A residential placement is viewed as the most restrictive environment, with the assumption that it is also the least desirable placement for a handicapped child. The Commission has suggested that one way to avoid this interpretation is to view alternative placements as a circle, in which placement is chosen on the basis of individual need.[12]

It is difficult to avoid DOE's hierarchy of placements because it is based on the congressional mandate that handicapped children be educated with non-handicapped children to the maximum extent appropriate. What DOE misses is the balancing analysis of whether or not a handicapped child will receive an appropriate education satisfactorily in a setting with non-handicapped children. This assessment can only be made by looking at an individual child's educational goals, some of which may be achieved only in specialized programs. A child's overall educational program includes language development, social/ emotional development, peer interaction, availability of handicapped adult role models, specialized vocational training and counseling, and a host of other factors in addition to basic academic skills. For a deaf child, an appropriate education may well require educational resources that are only available in specialized programs.

PERSPECTIVES ON DEAF EDUCATION

Residential Schools

In the United States, the first schools for deaf people were residential schools. Thomas Gallaudet established the first such program, the American School for the Deaf, in Hartford, Connecticut in 1817. The American School became the model in deaf education. Throughout the 19th century, several residential programs were established employing the American School's combined oral-sign language methods and faculty.[13] Schools for deaf children were predominantly residential well into the twentieth century because of the low incidence rate of deafness. In order to have a sufficient number of deaf children to offer an appropriate educational program, a school had to serve a wide geographic area.

Residential schools offer several benefits to deaf children and deaf adults. The larger number of deaf students in one school enables these students to be placed in classes with other children of the approximate same age and hearing loss, and, most important, with the same language and methods of communication. This greater number of deaf peers able to freely communicate through sign language greatly facilitates social interaction. Residential schools employ certified teachers of the deaf, specialists, such as psychologists and guidance counselors, and a staff trained in communicating in sign language with deaf students. These programs also employ deaf teachers and deaf dormitory counselors who serve as important adult role models for deaf students. Special educational equipment, such as a captioned film library, is also readily available.

Extracurricular activities are also provided that are communicationally fully accessible to deaf students. Deaf students have a greater opportunity for social and emotional growth in these programs because they can participate without communication barriers in athletic programs, the school newspaper, student government, and clubs.[14] Many past and present deaf adult leaders learned their leadership skills in residential programs. These residential programs bring together people with a low incidence condition--deafness--who if left in their home community may be isolated. The characteristics of the deaf community--the development of and pride in its own language, American Sign Language (ASL), and its identification as a distinct subculture--originated in residential schools.[15] Residential schools are held in high regard by the deaf community. Most professionals in the field of deafness see it as a viable option for many deaf children. Unfortunately, those unfamiliar with these programs have unfairly lumped them with institutions for the mentally retarded that often are more custodial than educational.

While the early residential schools were located in urban areas--Hartford, New York and Philadelphia--many of the later residential programs were established in rural areas, such as Fairbault, Minnesota; Cave Spring, Georgia; Staunton, Virginia; Danville, Kentucky; and Delavan, Wisconsin.[16] Dr. Donald Moores has stated in his book Educating the Deaf that:

> In addition to political reasons specific to each state, the placements probably reflected an attitude that the problems of the deaf were such that they should not be a part of the larger society. This mindset also influenced the placement of schools and institutions for the blind and for the mentally retarded. Frequently, states established schools for the deaf and the blind in the same locality, sometimes with shared campuses and a common administration.[17]

Today, these remote settings for several residential programs pose significant problems for these programs. The civil rights movement, supported by the landmark Brown v. Board of Education[18] decision, strove to end legal racial separation in American life. In the 1970's, disabled people, their parents, and their advocates demanded that they, too, be part of the mainstream of America. In education, this culminated in the Congressional goal in the Education for all Handicapped Children's Act that handicapped children be educated with non-handicapped children to the maximum extent appropriate. The remoteness and separateness of these residential schools goes against the grain of this movement. It also creates a difficult dilemma for parents who want to be close to their children.

Day Schools

Some parents prefer a day school placement in order to enable their child to live at home and to maintain daily family life. Parents can also stay in close contact with their child's school program. Day schools are used only for deaf students and most frequently are located in large metropolitan areas that can draw a sufficient number of deaf students. The first day school in the United States began in Boston in 1869, by parents who wanted an oral education for their children. Alexander Graham Bell, a strong advocate of the oral method of instruction, financially supported the establishment of oral day schools throughout the country based on the Boston model. Day school staffs have certification by the Council on Education of the Deaf comparable to instructional staff at residential schools.[19] Some current day schools also use a combined oral-sign language method of instruction.

The Impact of the Act on Placement of Deaf Children

Since the passage of the Education for All Handicapped Children's Act in 1975, more deaf children are being educated in regular public schools. The Commission found that the Act has had its "greatest impact on younger deaf students, resulting in larger numbers of these students being placed in local school settings."[20] A comparison of deaf student enrollments showed a 30 percent increase in public school classes from 1974-1984.[21]

Many of these children are in day classes in a public school rather than mainstreamed in a regular classroom with non-handicapped children.[22] Day class programs are defined generally as classes for hearing impaired students in a regular public school.[23] Resource rooms are another placement option. Hearing impaired children attend several regular classes, but return to the resource room for additional instruction, usually in English and other language based subjects.[24] Another common type of placement option is an itinerant program. Hearing impaired children attend regular classes, often with interpreters, and receive individual help from an "itinerant" teacher who usually assists students from several different classes and schools.[25] There are also many variations on the above placement options.[26]

A survey of deaf students shows that in 1985-86, 56 percent of deaf students in local schools spent more than 15 hours per week in contact with non-handicapped children in academic pursuits.[27] The Commission has questioned the quality of that academic integration.[28] Students with milder hearing losses are more likely to be mainstreamed in most, if not all, of their classes.[29]

A comparison of enrollments in schools and classes for deaf students in the United States from 1974 to 1984 shows the most dramatic changes are decreases in enrollment in private residential programs, public day schools and private classes. From 1974 to 1984, student enrollment in private residential schools declined 69 per cent, public day schools declined 51 per cent, and private day classes were cut by almost 90 per cent.[30] The impact of the Act is clear. The Act requires states to provide a _free_ appropriate education. Many parents who had been paying for a private education of their children before the Act, were now relieved of that financial burden. The Act's preference for educating handicapped children with non-handicapped children caused many local schools to establish their own hearing-impaired programs, thus drawing students away from public day school programs.

Public residential schools also suffered a decrease in enrollment, but it was not as severe. From 1974 to 1984, public residential schools had an 18 per cent loss in enrollment.[31] Despite this drop in enrollment, residential schools in 1984 still enrolled nearly one-third of all deaf school children.[32] Dr. Moores has noted that about 40 percent were day students who lived at home.[33] As one writer has pointed out:

> Residential schools continue to receive more of the difficult-to-teach, prelingually, multiply handicapped, or ethnic hearing-impaired population, while public schools are serving more students from white, middle-class families, with earlier-identified and milder aided losses.[34]

FEDERAL COURT INTERPRETATIONS OF LRE

The federal courts have provided some guidance on how to analyze LRE when making placement decisions for each handicapped child. However, there is no clear black-and-white rule. Judges' decisions on placement often turn on the individual facts in the case before them.

The federal appeals court decision in Roncker v. Walter[35] is most often relied on for its discussion of how to evaluate LRE. Under the Roncker guidelines, a court should decide whether the services which make a separate program superior could be offered in a regular public school. If that can be done, "the placement in the segregated school would be inappropriate under the Act."[36] The Roncker majority then noted three substantial exceptions to the Act's "strong preference in favor of mainstreaming".[37] The

Court recognized, first, that a separate placement is appropriate for a handicapped child who "would not benefit from mainstreaming".[38] The second reason supporting a separate placement is when "any marginal benefits received from mainstreaming are far outweighed by the benefits gained from non-services which could not feasibly be provided in the non-segregated setting".[39] The third reason for placing a handicapped child in a separate program is when the "child is a disruptive force" in the mainstreamed classroom.[40]

In this particular case, a severely mentally retarded student was placed in a special classroom in a regular school rather than in a separate school for the mentally retarded.[41]

Another appeals court has adopted the Roncker analysis of LRE, but reached the opposite result. In A.W. v. Northwest R1. School District[42], the Eighth Circuit refused to pull a teacher out of a residential program to teach one mentally retarded student in a regular school. The court found that cost was a legitimate factor for the school system to consider and that the state could allocate scarce funds among as many handicapped children as possible. The appeals court held that §1412(5) of the Act "significantly qualifies the mainstreaming requirement by stating that it should be implemented 'to the maximum extent appropriate' and that it is inapplicable where education in a mainstream environment cannot be achieved satisfactorily."[43]

The U. S. Court of Appeals for the Third Circuit in Geis v. Bd. of Education[44] found that in determining LRE, consideration must be given to the particular handicap. For some pupils a residential placement may be the least restrictive.

> As to the requirement that handicapped children be placed in the least restrictive environment possible, we believe that this determination must include consideration of the particular handicap a student has. The regulations in effect at the time of the Classification Officer's decision specifically provided that a pupil was to be placed in "the least restrictive environment in view of the pupil's particular educational handicap." N.J. Admin Code Tit. 6, §6:28-2.2 (1978) (emphasis added). Current regulations make it even more clear that the goal of placing children in the least restrictive environment does not trump all other considerations: "Such a setting [the least restrictive environment] is selected in light of a pupil's special education needs." N.J. Admin. Code Tit. 6, §28-1.3 (1984) For some pupils a residential placement may very well be the least restrictive. Considering S.G.'s language problems, for example, the district court could conclude that a residential placement where sign language is used is the least restrictive environment.[45]

DECISIONS ON LRE AND DEAF CHILDREN

Several federal court and administrative due process decisions have weighed the role of LRE in a placement decision for a deaf child. If both the local public school and the residential school provide qualified teachers and a program that can benefit the deaf child educationally, courts and hearing officers often find the local school placement to be appropriate since it meets the LRE preference of the Act. A classic example of this pattern is the decision in Springdale School District v. Grace.[46]

In this case a profoundly deaf child, Sherry Grace, had been in an oral hearing-impaired program from ages 4 to 6 where she made little or no progress. She was then placed in the State School for the Deaf in Little Rock, Arkansas, where she made significant progress in both her academic and social skills. She developed language skills through sign language and was developing both her confidence and communication skills. After three years, her parents moved away from Little Rock and enrolled her in the local school district where they were then residing. The local school district wanted the child to remain in the state school, which all agreed was the best program for her. But the parents wanted her close to home. They requested their school district to provide a certified teacher of the deaf to teach Sherry in a one-on-one situation for all her academic classes. She would have contact with non-handicapped children for lunch, physical education, library and possibly classes in music and art.

The hearing officers and courts all found that while she could possibly reach her full potential at the state school, the law did not require the best placement--only an appropriate one. With a certified teacher of the deaf, the courts found Sherry could benefit educationally from her classes at the local school and also have contact with non-handicapped children (which she could not, at that time, at the state school). The LRE preference tilted the decision in favor of a local placement.

Since Sherry had no oral skills and depended solely on sign language to communicate, there was a real question as to how she and the non-handicapped students would communicate with each other. Would she, in fact, be able to benefit from any mainstreaming? At lunch she usually ate alone with her teacher with little, if any, contact with the other children. While the courts were concerned with the opportunity for contact with non-handicapped children, to comply with the LRE provision of the Act, the actual interaction was little more than observation. This was precisely the problem the dissent in Roncker found with placement of a severely mentally retarded child, such as Neill Roncker, in a regular elementary school.[47]

In Grace, the appeals court disregarded the argument of the local school that it should not be required to provide a local placement at greater cost when the state already had an appropriate program at the state school. The court held that cost was not a controlling factor in light of the LRE provisions of the Act. However, the Eighth Circuit's later decision in A.W. casts some doubt on whether Grace would be decided the same way today. The court in A.W. gave greater weight to that part of the Roncker cost analysis that stated: "Cost is a proper factor to consider since excessive spending on one handicapped child deprives other handicapped children."[48] The A.W. court found this factor crucial in deciding against moving a certified teacher of the mentally retarded from a residential program to teach one mentally retarded child in a local school. Grace presented a similar situation in which a certified teacher of the deaf was being requested for only one child. However, the appeals panel in Grace reached an opposite conclusion. The Grace court found persuasive the point, later articulated in the Roncker majority opinion, that "[c]ost is no defense, however, if the school district has failed to use its funds to provide a proper continuum of alternative placements for handicapped children. The provision of such alternative placements benefits all handicapped children."[49]

An interesting epilogue to this case is that Sherry Grace in her teenage years returned to the Arkansas School for the Deaf. This is consistent with the Commission's findings that deaf students between the ages of 14 and 18 are now much more likely to move from local schools to special schools than the reverse. The Commission finds the reason for this movement of deaf teenagers back to special schools is that they did poorly in elementary grades in a regular public school placement.[50]

Language acquisition is a critical factor in supporting a residential placement. A federal judge in Virginia found that the appropriate placement for a deaf child was a residential school for the deaf and not the local program favored by the parents.[51] The court held that because of the child's severe language deficiency, the state school for the deaf was the only appropriate placement. The court concluded that even with the use of supplementary aids and services, her education in regular classes could not be achieved satisfactorily. She needed a 24-hour total immersion program where she would have a number of deaf peers and be in a learning environment every part of the day.

A federal judge in Pennsylvania also found that a deaf child with a severe language deficiency needed a 24-hour total immersion with other deaf persons. The judge colorfully pointed out:

> Championship prowess will sooner be attained if she concentrates on intensive training and learning to swim before she plunges unprepared into the turbulent mainstream. When her strokes are stronger, she will be able to make better headway in the water.[52]

In 1988, another federal judge in Pennsylvania reached the same conclusion and relied in part on the findings of the Commission on Education of the Deaf. In *Visco* v. *School District of Pittsburgh*, a federal judge found that a private placement was appropriate for two deaf children, rather than a local hearing-impaired program. The court stated:

> Mastery of language skills is vital to an adult in our society. The program at DePaul allows a hearing-impaired youngster to enter the tenth grade as any other pupil. It makes no sense to move Jennifer and Rene, risking loss of fundamental language skills which will prepare them for 10th grade, with the only possible benefit being several years of "mainstreaming": the benefits of which the Commission on Deaf Education has placed in serious doubt. Mainstreaming that interferes with the acquisition of fundamental language skills is foolishness mistaken for wisdom. This court firmly believes it is far better to prepare the handicapped to function in society as ordinary adults via special schools such as DePaul, rather than mainstreaming a youngster now with the possibility of producing an adult who might have to rely on social services later because he or she cannot communicate effectively. Nescient educational mainstreaming defeats the very purpose for which mainstreaming was

> conceived. The ultimate goal is to adequately prepare individuals for the mainstream of life.
>
> The instant case poses a particularly compelling illustration of this because Jennifer has only 2 years to go at DePaul and Rene has 4: after which, both Jennifer and Rene will be able to enter high school as any other 10th grader. To interrupt their studies with a different method of teaching in order to "mainstream" Jennifer and Rene for such a short period of time is definitely not worth risking the acquisition of language skills both children need to function as high school students as well as adults in society.[53]

The Commission's findings and recommendations also formed the basis for a federal court consent decree approving placement of a profoundly deaf student in the Louisiana School for the Deaf.[54] The consent decree stated that a central theme of the Commission Report is the recognition that placement of some deaf students in regular classes can deny many of these children an appropriate education that meets their individual needs. Placement in special programs with sufficient age and grade appropriate deaf children can be the least restrictive environment.

Social and emotional needs are also controlling factors supporting a residential placement. In a California case,[55] the state hearing officer decided that a residential placement was necessary because the public school could not meet the student's most important needs, overcoming social and emotional difficulties. Although the deaf student could get appropriate academic training in either placement, her Individualized

Education Program (IEP) required social interaction and communication to address her emotional needs. The hearing officer found that to accomplish this goal she needed a large circle of deaf students and deaf role models in an environment she could fully understand. The hearing officer concluded that the residential placement could meet this critical IEP goal.

CONCLUSION

The Education for All Handicapped Children Act, its Congressional intent and regulations, and court decisions interpreting that Act recognize the preference for educating handicapped children with non-handicapped children "to the maximum extent appropriate". But LRE is not the "core value" of special education, as DOE insists. It is secondary to the paramount goal of the Act to provide an appropriate education that meets the unique needs of each handicapped child, decided upon through an individualized process.[56] As a 1988 federal court of appeals opinion has stated:

> [C]ourts . . . have determined that the Act's mainstreaming preference be given effect only when it is clear that the education of a particular handicapped child can be achieved satisfactorily in the...mainstream environment. . .[57]

In several of the cases discussed in this article, judges and hearing officers found that certain individual needs and goals of a profoundly deaf child--essential for that child to receive an appropriate education--could not be "achieved satisfactorily in the.....mainstream environment". These critical factors were the deaf child's needs for an educational setting that provided for intensive language acquisition, social and emotional growth, a greater number of deaf peers of similar age and severity of hearing loss, deaf adult role models, and appropriately trained professional staff with expertise in teaching deaf children.

It would be illegal under the Act and its regulations to place all deaf children in residential schools, or to place all deaf children in regular schools. The overriding rule, as the Department of Education's own regulations stress, is that placement decisions be made on an individual basis.

The Act and regulations require that, in making placement decisions, alternative placements are available and actively considered to make sure each handicapped child receives an appropriate education that meets his or her unique needs as identified in the individualized education program. Judicial and administrative decisions make clear that special programs, such as residential or day schools, must remain as viable placement options if each deaf child is to receive an appropriate education.

Since the Act has been implemented, several local and state education administrators have narrowed the full range of placement options because of financial pressures to cut costs. Eliminating placement alternatives has been justified, in many cases, in the name of following DOE's "core value" view of LRE.

It is often difficult for parents to challenge a placement move to a regular public school, when the local school says it can implement a special program's IEP for a deaf student. Many hearing officers give the local school a chance to meet its promises. The Commission found numerous instances of local schools not delivering on their promises of services for deaf students. It is, therefore, essential that congressional oversight committees and state legislative committees hold DOE and state education agencies accountable for providing a variety of placement options, including special programs, to ensure that a deaf child's individual needs are met.

FOOTNOTES

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(1983).

1. Grkman v. Scanlon, 528 F.Supp. 1032 at 1037 (W.D. Pa. 1981).

2. 20 U.S.C. §1412(5).

3. Toward Equality, The Commission on Education of the Deaf at 25 (Feb. 1988).

4. Toward Equality at 26.

5. Letter from Assistant Secretary Will to David Holmes, National Association of Private Schools (Nov. 30, 1987) as cited in Toward Equality at 33.

6. Lachman v. Illinois State Board of Education, 852 F.2d 290 at 296 (7th Cir. 1988).

7. Stafford, Education for the Handicapped: A Senator's Perspective, 3 Vermont Law Review 71 at 76 (1978).

8. 20 U.S.C. §1412(5).

9. Stafford at 76.

10. Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 at 181 n. 4 (1982).

11. Comment to 34 C.F.R. 300.552.

12. Toward Equality at 32.

13. D. MOORES, EDUCATING THE DEAF (3rd Ed. 1986) at 61.

14. Brill, *Residential Schools*, in 1 GALLAUDET ENCYCLOPEDIA OF DEAF PEOPLE AND DEAFNESS 397 (1987).

15. MOORES at 27.

16. *Id*. at 64.

17. *Id*.

18. 347 U.S. 483 (1954).

19. Nix, *Day Schools*, in 1 GALLAUDET ENCYCLOPEDIA OF DEAF PEOPLE AND DEAFNESS 395-396 (1987).

20. *Toward Equality* at 12.

21. MOORES at 20.

22. *Toward Equality* at 12.

23. MOORES at 18.

24. *Id*.

25. *Id*.

26. *Id*.

27. T. E. Allen, M.A. Karchmer, and S. C. Brown, *Deaf Students and Their Schools: The Changing Demographics* (Gallaudet Research Institute, 1987).

28. *Toward Equality* at 9.

29. *Id*. at 14.

30. MOORES at 20.

31. *Id*.

32. *Id.* at 19.

33. *Id*.

34. Luetke-Stahlman, *Trends*, in 1 ENCYCLOPEDIA OF DEAF PEOPLE AND DEAFNESS 378 (1987).

35. 700 F.2d 1058 (6th Cir. 1983), *cert. denied*, 464 U.S. 864 (1983).

36. *Id*. at 1063.

37. Id.

38. Id.

39. Id.

40. Id.

41. The dissenting judge in Roncker disagreed with that interpretation of the Act and wrote:

> Section 1412(5) does not require that classrooms for the severely mentally retarded, such as Neill Roncker, whose only interaction with non-handicapped children is to observe them, be located in the regular elementary school. Rather, this section is directed to the handicapped child who can spend some time in the regular classroom if given special aids or assistance.

Id. at 1065.

42. 813 F.2d 158 (8th Cir. 1987), cert. denied, 108 S.Ct. 144 (1987).

43. Id. at 163.

44. 774 F.2d 575 (3rd Cir. 1985).

45. Id. at 583.

46. 693 F.2d 41 (8th Cir. 1982).

47. See n. 40.

48. See n. 35.

49. See n. 35.

50. Toward Equality at 13.

51. DeWalt v. Burkholder, EHLR 551:550 (1980).

52. See n. 1.

53. Civil Action No. 84-1377 (April 28, 1988).

54. Austin v. Clausen, Civil Action No. 87-741 A (U.S.D.C. Mid. D. of Louisiana, October 21, 1988).

55. In re: Mt. Diablo Unified School District, EHLR 506:108 (1983).

56. See n. 6.

57. Id. at 295.

Educational Audiology Programs

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DOCUMENTATION OF SUCCESSFUL MAINSTREAM EDUCATIONAL PLACEMENT OF HEARING IMPAIRED STUDENTS

Purpose

To support the position that **profoundly hearing-impaired students can function successfully within mainstreamed education classrooms.** This copy of a handout was developed to accompany a videotape of 32 severe and profoundly hearing-impaired individuals which demonstrated their verbal (speech) communication abilities. Included here is information regarding degree of hearing loss, educational and employment history.

Important Concepts

1) All 32 individuals suffered severe or profound hearing impairment either from birth or shortly thereafter.

2) As infants and preschoolers, all initially entered auditory/verbal treatment programs for hearing-impaired children. All remained in those programs into their elementary school years.

3) Ten, or 31%, were identified as having multiple problems before their 5th birthdays.

4) Most entered regular kindergarten classes with normal hearing peers at the age of formal school entrance.

5) A total of 66% have hearing losses in excess of 91 dB, a level greater than that found on average among students in state schools for the deaf.

6) Today all communicate through speech, some very fluently and effectively.

7) All adults are employed, with occupations as diverse as the arts, law, transportation and telemarketing.

8) Except for the 2 youngest students, all spent at least 3 years in regular education classrooms.

9) Twenty-seven or 84% have attended only mainstream education classrooms.

11) A significant number of these individuals have participted in special programs for gifted and talented normal hearing students or have received awards for achievement in school or work.

10) The choice of an auditory/verbal program was made by the parents. None have expressed regret in that choice.

12) Today, March 1989, none of those of school age are in special classes or special schools with the exception of NTID.

13) This group is representative of a larger group including a number who are part of a follow-up study on other videotapes.

Incidence

Other auditory/verbal programs around the country demonstrate similar results, however, such persons are rarely counted as handicapped individuals. Only those who happen to be in special schools or classes for the hearing-impaired are generally included in the Annual Gallaudet Study of Hearing-Impaired Children and Youth. As assimilation is a primary goal of auditory/verbal programs, the number of children or adults coming from these and other oral programs is unknown.

In order to better identify such persons, their needs, etc., relating to programs, status, or achievement, it would probably be necessary to include an identifying question as a part of a larger census, such as that of the general census of 1990.

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Marian M. Ernst
June, 1987

AUDITORY-VERBAL TREATMENT EFFECTS ON 32 PRE-LINGUALLY DEAFENED CHILDREN AND ADULTS

This follow-up study of 32 pre-lingually deafened children and adults studied the effects of long-term use of amplification on education, job placement, and life-style. These individuals all shared having attended the same parent-infant training program -- the Acoupedic Program in Denver, Colorado. This program stressed the development of whatever remnants of residual hearing the profoundly deaf child might possess, in spite of any other handicapping conditions which may be present. The only requirement for entrance into the program was a significant hearing loss and parents who chose to develop the skills of listening and verbal communication with their child. Some were diagnosed as children as multiply-handicapped; several had more than 5 years of occupational therapy in addition to speech, language and listening therapy. Besides having attended the Acoupedic Program during preschool years, subjects had to be available for videotaping between June 1 and June 22, 1987.

GENERAL SUBJECT INFORMATION

Number of subjects : 32 Male : 15 Female : 17
Age range: 7 - 37 years old
10 years or under: 8
11 to 20 years: 14
21 to 30 years: 8
31 to 40 years: 2
Number married: 4 (All have normal-hearing spouses)
Number with children: 2 (All children are normal-hearing)

HEARING LOSS. BEST EAR PURE-TONE AVERAGES (PTA)

66% have losses of 90 dB or greater
34% have losses of less than 90 dB

70 dB or below	1
71 - 80 dB	3
81 - 90 dB	8
91 - 100 dB	8
101 - 110 dB	12

GENERAL EDUCATIONAL INFORMATION

Currently attending:

Grades K - 6:	10
Grades 7 - 12:	10
Regular College:	3
NTID:	1

Graduates:

High School:	11
State School for the Deaf:	1
College:	3
Law School:	1

Have attended graduate school: 2

TYPE OF CLASSES ATTENDED

Currently in School . . . 24	Regular	Special
Regular elementary classes K-8	10	
Special elementary classes		1
Regular high school	8	
Special high school classes		1
Regular college	3	
Special college program	—	1
Total	21	3

EDUCATIONAL PLACEMENTS UTILIZED -- ALL SUBJECTS

(Note: some attended more than one type of program)

Spent 3 or more years in regular education	30
Have attenced only regular mainstreamed classes	27
Attended some form of special class placement at some time.	5

Special class for the deaf, oral and/or TC: 4
School for the Deaf, 2 yrs or more: 2
Special School for LD, 2 yrs or more: 1

UTILIZATION OF ITINERANT TEACHERS OF THE HEARING IMPAIRED

Have utilized itinerent teachers	20
Currently use itinerent teacher of H-I for extra help . . .	8
No longer use these services (except for consultation, esp. for classroom teacher)	6
Never have utilized itinerent services	7
Graduated, but have utilized during K-12 years	6

UTILIZATION OF OTHER RESOURCES

School Speech Pathologists	29
Private Speech/Language Therapy	32

USE OF INTERPRETERS

Oral Interpreters (use in work)	1
Manual Sign Interpreters (use in class)	2
Know Sign, Use with Deaf Only	6

EMPLOYMENT INFORMATION

Number not in school	8
Number employed (including mothers, part-time employment)	8

Occupations: Artist, Bookkeeping/Office, Building Supply Company (Supervisor), Finance Analysis, Lawyer, Print Shop (Manager), Shuttlebus Driver, and Telemarketing

File: VIDEO SUBJECTS
Report: HANDOUT

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Name: Susan Age: 30 years

Info: Graduate, law school, Juris Doctor, 1982
Binaural hearing aids; uses oral interpreter in court
Employed: attorney, law firm; specialty:
probate, estate planning

Best Ear PTA: 102 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	90	100	105	110	---
L.E.:	85	95	100	100	---

1 Name: Kori Age: 9 years

Info: Entering regular 4th grade, private school; mainstream education only
Binaural hearing aids with FM in class
Academics: satisfactory progress
A.G. Bell scholarship winner

Best Ear PTA: 88 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	85	95	110	110	105
L.E.:	80	85	95	85	80

2 Name: Gena Age: 9 years

Info: Entering regular 4th grade; mainstream education only
Binaural hearing aids with FM in class
Academics: satisfactory progress
Nat'l CEC "Yes, I Can" contest, 1st place

Best Ear PTA: 100 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	95	95	100	105	110
L.E.:	80	105	115	105	100

3 Name: Lorie Age: 18 years

Info: Entering reg. 12th grade; mainstream to K-4, oral program 5-8, TC 9-11
Binaural hearing aids with FM in class
Academics: satisfactory progress
One of a set of twins

Best Ear PTA: 108 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	90	100	110	120	---
L.E.:	100	105	105	115	---

4 Name: Michelle Age: 22 years

Info: Graduate: Colorado Institute of Art; mainstream education only
Binaural hearing aids
Employed: artist, Tile Art Company

	AUDIOGRAM:				
	250:	500:	1K:	2K:	4K:
R.E.:	80	100	110	---	---
L.E.:	95	105	110	---	---

Best Ear PTA: 107 dB

5 Name: Linda Age: 34 years

Info: Graduate: Colorado Art Institute; mainstream education only
Binaural hearing aids
Employed: telemarketing
Mother, 2 normal hearing girls

	AUDIOGRAM:				
	250:	500:	1K:	2K:	4K:
R.E.:	75	70	95	85	80
L.E.:	65	75	85	80	70

Best Ear PTA: 80 dB

6 Name: Macki Age: 17 years

Info: Entering regular 11th grade; mainstream education only
Binaural hearing aids with FM in class
Academics: good to excellent, H.S. honor roll
Exchange student to Denmark, 1987

	AUDIOGRAM:				
	250:	500:	1K:	2K:	4K:
R.E.:	85	90	105	110	120
L.E.:	80	90	105	110	120

Best Ear PTA: 102 dB

7 Name: Bridget Age: 8 years

Info: Entering regular 2nd grade; mainstream education only
Binaural hearing aids with FM in class
Academics: excellent, top student in regular class
Participant: Olympics of the Mind

	AUDIOGRAM:				
	250:	500:	1K:	2K:	4K:
R.E.:	85	95	100	---	110
L.E.:	90	95	105	---	---

Best Ear PTA: 102+ dB

File: VIDEO SUBJECTS
Report: HANDOUT

8 Name: Kori Age: 11 years

Info: Entering regular 5th grade: mainstream education only
Binaural hearing aids with FM in class
Academics: excellent progress, honor roll
Participates extensively in 4-H activities

Best Ear PTA: 100 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	100	110	115	115	---
L.E.:	75	85	105	110	115

9 Name: Paul Age: 22 years

Info: College student: University of Arizona: mainstream education K-12
Binaural hearing aids: uses manual interpreter sometimes in class
Academics: satisfactory progress
Major: general studies

Best Ear PTA: 98 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	---	95	100	100	100
L.E.:	---	95	105	110	---

10 Name: Kim Age: 8 years

Info: Entering regular 3rd grade: mainstream education only
Binaural hearing aids with FM in class
Academics: satisfactory progress
A.G. Bell scholarship winner

Best Ear PTA: 103 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	85	95	105	110	110
L.E.:	90	90	110	110	115

11 Name: David Age: 24 years

Info: Regular high school graduate: mainstream education K-12
Binaural hearing aids
Employed: yard supervisor,
building supply company

Best Ear PTA: 82 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	90	95	100	95	85
L.E.:	65	75	90	80	75

12 Name: Bryce Age: 21 years

Info: Attends Mesa College; learning disabled school 1-5, mainstream 6-12
Binaural hearing aids with FM in class
Academics: satisfactory
Summer job: County Treasurer's Office

Best Ear PTA: 93 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	---	85	95	110	110
L.E.:	---	85	100	95	---

13 Name: Nicole Age: 18 years

Info: Entering 11th grade: T.C. program, mainstream K-3
Binaural hearing aids; manual interpreter in regular classes
Academics: satisfactory

Best Ear PTA: 97 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	85	95	100	110	---
L.E.:	85	85	95	110	---

14 Name: Jason Age: 14 years

Info: Entering regular 9th grade: mainstream education only
Binaural hearing aids with FM in class
Academics: all accellerated classes
One of a set of triplets

Best Ear PTA: 88 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	80	80	90	105	---
L.E.:	70	75	90	100	---

15 Name: Vanessa Age: 9 years

Info: Entering regular 3rd grade: mainstream education only
Binaural hearing aids with FM in class
Academics: good to excellent
Gifted and talented program

Best Ear PTA: 102 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	80	100	105	100	105
L.E.:	95	105	110	115	115

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File:   VIDEO SUBJECTS
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16    Name: Ryan              Age: 20 years

Info: Completed 1 year NTID: scholarship student: mainstream K through 12th
      Monaural hearing aid
      Academics: satisfactory to very good
      Major: pathology
                                                         AUDIOGRAM:
                                                 250:  500:   1K:    2K:    4K:

      Best Ear PTA: 93 dB                R.E.: 85     105    115    ---    ---
                                         L.E.: 65     80     105    95     ---


17    Name: Shane             Age: 15 years

Info: Entering reg. 9th grade: mainstream, but some modified classes in past
      Monaural hearing aid
      Academics: satisfactory progress
                                                         AUDIOGRAM:
                                                 250:  500:   1K:    2K:    4K:

      Best Ear PTA: 92 dB                R.E.: 80     95     90     90     ---
                                         L.E.: 85     80     100    105    115


18    Name: Alana             Age:  7 years

Info: Entering regular 1st grade
      Binaural hearing aids with FM in class
      Academics: satisfactory
                                                         AUDIOGRAM:
                                                 250:  500:   1K:    2K:    4K:

      Best Ear PTA: 88 dB                R.E.: 90     85     90     90     105
                                         L.E.: 95     100    115    115    115


19    Name: Dana              Age: 19 years

Info: College student, Fort Lewis College: mainstream education K-12
      Binaural hearing aids
      Academics: satisfactory
      Major: Phys. Ed. & Recreation Mgmt.
                                                         AUDIOGRAM:
                                                 250:  500:   1K:    2K:    4K:

      Best Ear PTA: 83 dB                R.E.: 80     80     80     90     85
                                         L.E.: 85     85     95     100    95
```

20 Name: Jeff Age: 9 years

Info: Resource room with reg. 4th grade classes; St. Joseph Inst. Deaf, 2 yrs.
Binaural hearing aids with FM in regular class
Academics: good to excellent progress

Best Ear PTA: 102+ dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	85	90	105	---	---
L.E.:	75	90	110	---	---

21 Name: Steven Age: 22 years

Info: Regular high school graduate: mainstream K-12
Monaural hearing aid
Employed: hospital print shop

Best Ear PTA: 102+ dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	80	90	105	95	90
L.E.:	90	105	---	115	---

22 Name: Sherry Age: 37 years

Info: B.A. Spec. Ed., UNC; mainstream K-12; has cerebral palsy (athetosis)
Binaural intracanal hearing aids
One of first children to wear binaural hearing aids
Mother, 4 normal hearing children

Best Ear PTA: 63 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	40	60	70	80	70
L.E.:	40	55	65	70	60

23 Name: Ryan Age: 10 years

Info: Entering regular 5th grade: mainstream education only
Binaural hearing aids with FM in class
Academics: excellent progress, honor roll

Best Ear PTA: 102+ dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	90	110	120	---	---
L.E.:	65	85	105	---	105

24 Name: Steve Age: 30 years

Info: Graduate, Baylor University; mainstream education only
Binaural hearing aids
Employed: finance analysis,
Martin Marietta Corporation

Best Ear PTA: 78 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	60	85	90	85	80
L.E.:	55	70	90	75	75

25 Name: Joshua Age: 12 years

Info: Entering regular 6th grade, private school; mainstream education only
Binaural hearing aids
Academics: excellent progress; participant in gifted
talented program at state university

Best Ear PTA: 85 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	---	110	95	110	100
L.E.:	90	85	75	95	---

26 Name: Kevin Age: 15 years

Info: Entering regular 10th grade; mainstream education only
Binaural hearing aids with FM in class
Academics: satisfactory progress
Summer job: pool maintenance

Best Ear PTA: 95 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	80	100	110	---	---
L.E.:	70	90	100	95	110

27 Name: Jason Age: 13 years

Info: Entering regular 8th grade; mainstream education only
Binaural hearing aids with FM in class
Academics: satisfactory progress

Best Ear PTA: 90 dB

AUDIOGRAM:

	250:	500:	1K:	2K:	4K:
R.E.:	90	100	100	100	---
L.E.:	65	70	90	110	105

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File:   VIDEO SUBJECTS                                                    Page  8
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28     Name: John              Age: 15 years

Info: Entering regular 10th grade: mainstream education only
      Binaural hearing aids with FM in class
      Academics: satisfactory progress, top quarter H.S. class
      Participant: regional basketball camp, 1987      AUDIOGRAM:
                                                 250:  500:  1K:   2K:   4K:

      Best Ear PTA: 103 dB                R.E.: 85    105   100   105   95
                                          L.E.: 80    100   105   110   100


29     Name: Janice            Age: 22 years

Info: Graduated: Colorado School Deaf & Blind, 1984
      Binaural hearing aids
      Employed: airport shuttle bus driver
                                                       AUDIOGRAM:
                                                 250:  500:  1K:   2K:   4K:

      Best Ear PTA: 97 dB                 R.E.: 80    80    105   ---   ---
                                          L.E.: 80    80    100   110   ---


30     Name: Mary              Age: 16 years

Info: Entering regular 10th grade: mainstream education only
      Binaural hearing aids
      Academics: satisfactory
      Summer job: Denver Utilities Comm.               AUDIOGRAM:
                                                 250:  500:  1K:   2K:   4K:

      Best Ear PTA: 73 dB                 R.E.: 70    75    80    65    65
                                          L.E.: 60    70    80    80    80


31     Name: David             Age: 15 years

Info: Entering regular 10th grade: mainstream education only
      Binaural hearing aids
      Academics: satisfactory progress
      Summer job: landscaping company                  AUDIOGRAM:
                                                 250:  500:  1K:   2K:   4K:

      Best Ear PTA: 82 dB                 R.E.: 60    80    80    85    95
                                          L.E.: 70    85    95    95    ---
```

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DOCUMENTATION OF SUCCESSFUL ACADEMIC ACHIEVEMENT OF MAINSTREAMED HEARING IMPAIRED STUDENTS

Purpose

To support the position that severe and profoundly hearing-impaired students can achieve academically within mainstreamed education classrooms.

Description

1) Documentation consists of computer print-outs of standardized achievement test results of 10 hearing-impaired students obtained during routine testing in regular education classes. All test questions used were standard for general populations.

2) Results utilize norms based on standards established for the general population. In some instances norms for individual school districts, and national norms for a particular test are available for comparison.

3) Tests used are those selected by individual school districts for their yearly assessments of the general school population.

4) As tests were administered in the regular classroom to all children, no special time allowance or special procedures were utilized with hearing-impaired students.

5) Each student has been assigned a number, from 1 (youngest) to 10 (oldest), with audiological, age and school placment data in small print on each page indicated by letter "a" (Ex: "2-a"). When a number is followed by letter "b", it indicates a second page of data for that student.

6) All 10 students suffered severe or profound hearing impairment either from birth or shortly thereafter. All initially entered auditory/verbal treatment programs for the hearing-impaired as infants or preschoolers and remained in those programs into their elementary school years.

7) Seven students are profoundly hearing-impaired (91 dB or greater), while three are classified as severely hearing-impaired (81 to 90 dB).

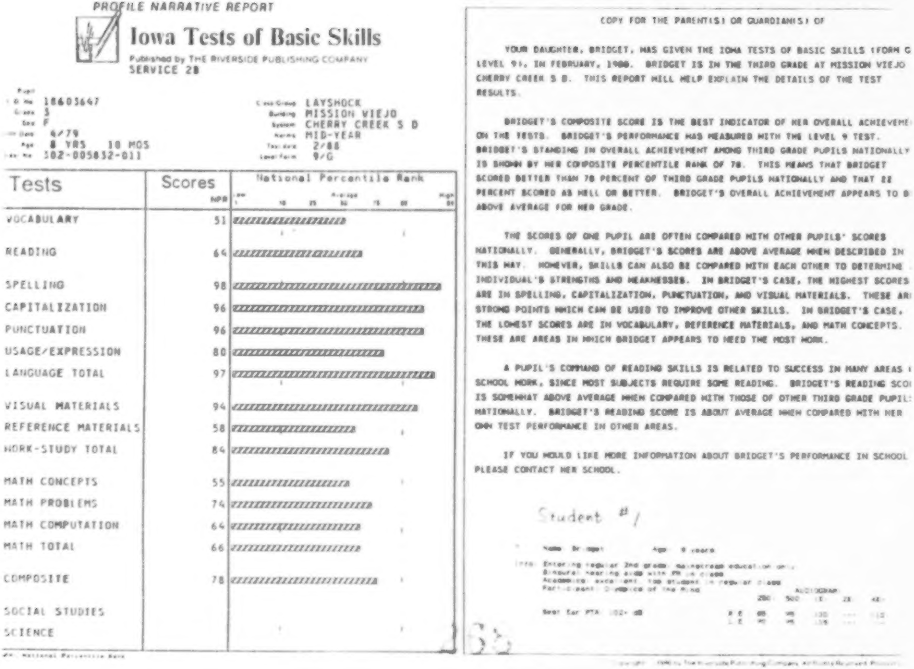
8) All but one student have attended only regular education classes.

9) The last student (#10) moved from the 10 to 21st percentile in Reading Comprehension in one year (from 9th to 10th grade) and from the 21st to the 81st percentile in Science during the same period. Such shifts in standardized test results occur for most students at certain periods, generally later for those more profound or with additional problems.

Comment

Most hearing-impaired students in mainstreamed education participate in routine testing of general school populations. Research into the results of this testing has not been reported.

#1-a



PROFILE NARRATIVE REPORT

Iowa Tests of Basic Skills

Published by THE RIVERSIDE PUBLISHING COMPANY
SERVICE 28

Pupil I.D. No. 18603647
Grade 3
Sex F
Birth Date 4/79
Age 8 YRS 10 MOS
Seq. No. 302-005832-011

Class/Group LAYSHOCK
Building MISSION VIEJO
System CHERRY CREEK S D
Norms MID-YEAR
Test date 2/88
Level/Form 9/G

Tests	Scores NPR
VOCABULARY	51
READING	64
SPELLING	98
CAPITALIZATION	96
PUNCTUATION	96
USAGE/EXPRESSION	80
LANGUAGE TOTAL	97
VISUAL MATERIALS	94
REFERENCE MATERIALS	58
WORK-STUDY TOTAL	84
MATH CONCEPTS	55
MATH PROBLEMS	74
MATH COMPUTATION	64
MATH TOTAL	66
COMPOSITE	78
SOCIAL STUDIES	
SCIENCE	

NPR: National Percentile Rank

COPY FOR THE PARENT(S) OR GUARDIAN(S) OF

YOUR DAUGHTER, BRIDGET, WAS GIVEN THE IOWA TESTS OF BASIC SKILLS (FORM G LEVEL 9), IN FEBRUARY, 1988. BRIDGET IS IN THE THIRD GRADE AT MISSION VIEJO CHERRY CREEK S D. THIS REPORT WILL HELP EXPLAIN THE DETAILS OF THE TEST RESULTS.

BRIDGET'S COMPOSITE SCORE IS THE BEST INDICATOR OF HER OVERALL ACHIEVEME ON THE TESTS. BRIDGET'S PERFORMANCE WAS MEASURED WITH THE LEVEL 9 TEST. BRIDGET'S STANDING IN OVERALL ACHIEVEMENT AMONG THIRD GRADE PUPILS NATIONALLY IS SHOWN BY HER COMPOSITE PERCENTILE RANK OF 78. THIS MEANS THAT BRIDGET SCORED BETTER THAN 78 PERCENT OF THIRD GRADE PUPILS NATIONALLY AND THAT 22 PERCENT SCORED AS WELL OR BETTER. BRIDGET'S OVERALL ACHIEVEMENT APPEARS TO B ABOVE AVERAGE FOR HER GRADE.

THE SCORES OF ONE PUPIL ARE OFTEN COMPARED WITH OTHER PUPILS' SCORES NATIONALLY. GENERALLY, BRIDGET'S SCORES ARE ABOVE AVERAGE WHEN DESCRIBED IN THIS WAY. HOWEVER, SKILLS CAN ALSO BE COMPARED WITH EACH OTHER TO DETERMINE INDIVIDUAL'S STRENGTHS AND WEAKNESSES. IN BRIDGET'S CASE, THE HIGHEST SCORES ARE IN SPELLING, CAPITALIZATION, PUNCTUATION, AND VISUAL MATERIALS. THESE AR STRONG POINTS WHICH CAN BE USED TO IMPROVE OTHER SKILLS. IN BRIDGET'S CASE, THE LOWEST SCORES ARE IN VOCABULARY, REFERENCE MATERIALS, AND MATH CONCEPTS. THESE ARE AREAS IN WHICH BRIDGET APPEARS TO NEED THE MOST WORK.

A PUPIL'S COMMAND OF READING SKILLS IS RELATED TO SUCCESS IN MANY AREAS SCHOOL WORK, SINCE MOST SUBJECTS REQUIRE SOME READING. BRIDGET'S READING SCO IS SOMEWHAT ABOVE AVERAGE WHEN COMPARED WITH THOSE OF OTHER THIRD GRADE PUPIL NATIONALLY. BRIDGET'S READING SCORE IS ABOUT AVERAGE WHEN COMPARED WITH HER OWN TEST PERFORMANCE IN OTHER AREAS.

IF YOU WOULD LIKE MORE INFORMATION ABOUT BRIDGET'S PERFORMANCE IN SCHOOL PLEASE CONTACT HER SCHOOL.

Student #1

Name: Bridget Age: 9 years

Info: Entering regular 2nd grade; mainstream education only
Binaural hearing aids with FM in class
Academics: excellent, top student in regular class
Participant: Olympics of the Mind

AUDIOGRAM

	250	500	1K	2K	4K
R.E.	85	95	120	---	115
L.E.	90	95	135	---	---

Best Ear PTA: 102+ dB

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[illegible] LAVISHOCK
[illegible] MISSOURI [illegible]
[illegible] CHERRY CREEK [illegible]
[illegible] MID YEAR [illegible] 3/88

Iowa Tests of Basic Skills

1-b

SERVICE 1:
STUDENT CRITERION-REFERENCED SKILLS ANALYSIS

	LISTENING LI	WORD ANALYSIS WA	VOCABULARY V	READING R	SPELLING L1	CAPITALIZATION L2	PUNCTUATION L3	USAGE L4	TOTAL L	VISUAL MATERIALS W1	REFERENCE W2	TOTAL W	CONCEPTS M1	PROBLEMS M2	COMPUTATION M3	TOTAL M	BASIC	COMPLETE	SOCIAL STUDIES SS	SCIENCE SC
[illegible]			35	59	63	59	63	50	59	55	37	46	36	42	37	38	44	43		
[illegible]			51 5	64 6	98 9	96 9	96 9	80 7	97 9	94 8	58 5	84 7	55 5	74 6	64 6	66 6	81 7	78 7		

SKILLS	Class N	Number of Items	Number Attempted	Number Correct	Percent Correct for this Student	Class Average Percent Correct	National Average Percent Correct
VOCABULARY	(27)	30	30	16	53	65	53
Reading/Language		9	9	6	67	70	55
Work-Study/Social Studies		[illegible]	[illegible]	[illegible]	[illegible]	50	56
Mathematics/Science		[illegible]	[illegible]	[illegible]	[illegible]	69	58
Fine/Applied Arts		9	9	5	56	67	53
READING	(27)	44	44	29	66	71	55
Facts		16	16	[illegible]	[illegible]	[illegible]	57
Description/Categorization		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	59
Relationships/Context Meaning		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Inferences		15	15	[illegible]	[illegible]	[illegible]	[illegible]
Cause and Effect/Conclusions		10	10	[illegible]	60	70	52
Traits and Feelings/Motives		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	59
Generalizations		15	14	10	71	70	54
Main Idea/Organization		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Application/Purpose/Viewpoint		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Language/Mood/Style		4	4	3	75	65	48
SPELLING	(27)	30	30	29	97	68	57
Consonant Substitutions/Reversals		[illegible]	[illegible]	[illegible]	100	[illegible]	[illegible]
Consonant Omissions/Additions		[illegible]	[illegible]	[illegible]	100	[illegible]	[illegible]
Vowel Substitutions/Reversals		[illegible]	[illegible]	[illegible]	100	[illegible]	[illegible]
Vowel Omissions/Additions		[illegible]	[illegible]	[illegible]	100	63	[illegible]
No Mistakes		3	3	2	67	62	58
CAPITALIZATION	(27)	28	28	25	86	61	51
Names and Titles		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Dates and Holidays		[illegible]	[illegible]	[illegible]	100	[illegible]	[illegible]
Place Names		[illegible]	[illegible]	[illegible]	100	[illegible]	[illegible]
Organizations and Groups		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Linguistic Conventions		[illegible]	[illegible]	[illegible]	83	[illegible]	[illegible]
No Mistakes		3	3	2	67	68	65
PUNCTUATION	(27)	28	28	25	89	69	50
Use of Terminal Punctuation		15	15	15	100	73	[illegible]
Use of Commas		[illegible]	[illegible]	[illegible]	67	60	[illegible]
Use of Other/Over Punctuation		[illegible]	[illegible]	[illegible]	75	56	[illegible]
No Mistakes		3	3	3	100	80	77
USAGE and EXPRESSION	(27)	33	33	24	73	66	52
Use of Verbs		[illegible]	[illegible]	[illegible]	63	[illegible]	[illegible]
Use of Personal Pronouns		[illegible]	[illegible]	[illegible]	50	[illegible]	[illegible]
Use of Modifiers		[illegible]	[illegible]	[illegible]	0	[illegible]	[illegible]
Use of Context/No Mistakes		[illegible]	[illegible]	[illegible]	100	[illegible]	[illegible]
Conciseness and Clarity		[illegible]	[illegible]	[illegible]	100	[illegible]	[illegible]
Appropriateness		[illegible]	[illegible]	[illegible]	100	[illegible]	66
Organization		5	5	3	60	70	57

SKILLS	Class N	Number of Items	Number Attempted	Number Correct	Percent Correct for this Student	Class Average Percent Correct	National Average Percent Correct
+VISUAL MATERIALS	(27)	33	33	29	88	70	58
Map Reading		24	24	20	83	66	53
Locating/Describing Places		11	11	10	91	65	52
Determining Direction/Distance		7	7	6	86	69	58
Inferring Living Conditions		6	6	4	67	65	50
Reading Graphs and Tables		9	9	9	100	81	70
Reading/Comparing Quantities		8	8	8	100	84	73
Interpreting Relationships		1	1	1	100	59	46
-REFERENCE MATERIALS	(27)	33	33	22	67	65	60
Alphabetizing		7	7	7	100	77	70
Using a Table of Contents		7	7	2	29	39	43
Using an Index		7	7	5	71	56	52
Using a Dictionary		6	6	3	50	77	69
General Reference Materials		6	6	5	83	70	67
-MATH CONCEPTS	(27)	28	28	18	64	75	61
Numeration and Number Systems		8	8	6	75	73	60
Equations and Inequalities		3	3	1	33	57	46
Whole Numbers: Integers		7	7	4	57	79	68
Fractions, Decimals, Currency		5	5	3	60	76	57
Geometry and Measurement		5	5	4	80	83	66
MATH PROBLEM SOLVING	(27)	24	24	17	71	63	51
Single-Step: Add and Subtract		11	11	8	73	72	60
Single-Step: Multiply and Divide		7	7	6	86	55	45
Multiple-Step Problems		6	6	3	50	48	35
MATH COMPUTATION	(27)	36	33	26	76	74	66
Whole Number Addition		16	14	11	79	78	72
Whole Number Subtraction		13	13	12	92	77	66
Whole Number Multiplication		7	6	3	43	60	54
HIGHER ORDER THINK SKILL	(27)						
Reading Comprehension		26	26	17	65	71	55
Language Usage/Expression		26	26	19	73	64	51
Work Study Skills		29	29	19	66	61	53
Mathematics		11	11	6	55	54	38
SOCIAL STUDIES	(1)	38					43
Historical Perspective		9					48
Patterns and Systems		13					43
Higher Order Thinking Skills		16					39
SCIENCE	(0)	38					45
Nature of Science/Life Science		14					48
Earth and Space Science		4					29
Physics/Chemistry		6					57
Health and Safety		14					49
Higher Order Thinking Skills		14					43

# 2-a

CAT CALIFORNIA ACHIEVEMENT TESTS, FORMS E&F

CTB/MCGRAW-HILL

PARENT REPORT

STUDENT:

BIRTH DATE: 04/24/78

CLASS: JENSEN M G
SCHOOL: MTN VIEW
DISTRICT: ACAD TWENTY

CITY/STATE: COLD SPRINGS CO
FORM/LEVEL: E/12
GRADE: 2.7

TEST DATE: 04/08/87
RUN DATE: 05/25/87

DEAR PARENT

As part of the school's achievement testing program, this student took the California Achievement Tests. These test scores are general indications of the student's level of achievement at the time of testing. A teacher's view of a student's strengths and needs is based on observations that are made over a longer period of time and reflect a number of factors. It is important that you review these test scores with the teacher.

INTERPRETATION OF STUDENT'S RESULTS

READING SKILLS

YOUR CHILD IS STRONG IN SKILLS RELATED TO:
- ANALYZING CHARACTERS IN PASSAGES
- INTERPRETING EVENTS IN PASSAGES
- IDENTIFYING DETAILS GIVEN IN PASSAGES

FURTHER REVIEW MAY BE NEEDED TO IMPROVE SKILLS RELATED TO:
- UNDERSTANDING THE OPPOSITE MEANING OF WORDS
- UNDERSTANDING THE MEANING OF WORDS IN PHRASES
- IDENTIFYING MISSING WORDS BY THEIR CONTEXT

LANGUAGE SKILLS

YOUR CHILD IS STRONG IN SKILLS RELATED TO:
- CAPITALIZING BEGINNING WORDS AND TITLES
- PUNCTUATING WITH END MARKS
- IDENTIFYING WORD ORDER OR SENTENCE PARTS

FURTHER REVIEW MAY BE NEEDED TO IMPROVE SKILLS RELATED TO:
- USING ADJECTIVE OR ADVERB FORMS
- CAPITALIZING I AND PROPER NOUNS AND ADJECTIVES
- USING VERB FORMS

MATHEMATICS SKILLS

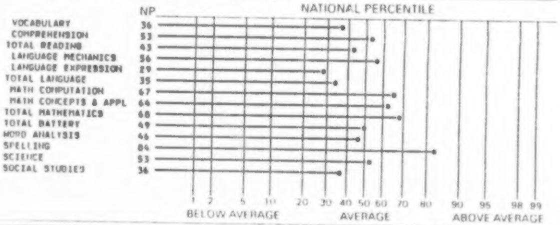
YOUR CHILD IS STRONG IN ALL OF THE SKILLS MEASURED BY THE MATHEMATICS SKILLS TEST. YOU MAY WANT TO DISCUSS WITH THE TEACHER A DIRECTI FOR ADDITIONAL CHALLENGES FOR YOUR CHILD IN TH AREAS.

STUDENT'S PROFILE

IN TOTAL READING, YOUR CHILD'S ACHIEVEMENT WAS BETTER THAN ABOUT 43% OF THE NORM GROUP; IN TOTAL LANGUAGE, BETTER THAN ABOUT 35%; AND IN TOTAL MATHEMATICS, BETTER THAN ABOUT 68%. FOR THE TOTAL BATTERY, YOUR CHILD'S PERFORMANCE WAS BELOW THE NATIONAL AVERAGE*. ABOUT 49% OF THE 2ND GRADERS IN THE NORM GROUP SCORED BELOW YOUR CHILD.

* THE NATIONAL AVERAGE FOR EACH TEST WOULD BE CONSIDERED A PERCENTILE RANK OF 50.

(**): YOUR CHILD HAS NO NATIONAL PERCENTILE SCORE ON TESTS MARKED BY TWO ASTERISKS.



*** COMMENT ***

Student #2

15 Name: Vanessa Age: 9 years

Info: Entering regular 3rd grade; mainstream education only
Binaural hearing aids with FM in class
Academics: good to excellent
Gifted and talented program

Better Ear PTA: 102 dB

AUDIOGRAM

	250	500	1K	2K	4K
R.E	80	100	105	100	108
L.E	95	105	110	115	115

☐ ADDITIONAL COMMENTS ON BACK IF CHECKED

X: NO SCORE AVAILABLE QTR MTH: 29 PATTERN (1PT)

CTBID: 8911290001-03-002-000

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# 3-9

CTBS of Basic Skills

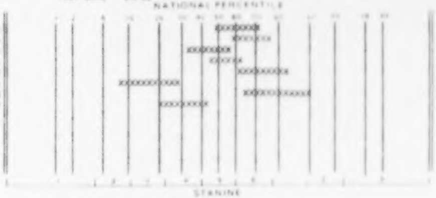
Student Interpretive Report

NAME
CLASS JONES N
SCHOOL ARKANSAS
SPEC. CODES

DISTRICT AURORA PUB
CITY/STATE AURORA CO
RUN DATE 06/02/85

FORM/LEVEL U/E
GRADE 01.7
TEST DATE 04/85

	SS	NCE	NS	NP
WORD ATTACK	544	53	5	56
VOCABULARY	515	58	6	65
COMPREHENSION	438	46	5	42
TOTAL READING	477	50	5	51
LANGUAGE EXPRESSION	502	61	6	70
MATH COMPUTATION	220	29	3	16
MATH CONCEPTS & APPL.	572	66	7	78
TOTAL MATH	396	39	4	30



SS = SCALE SCORE
NCE = NORMAL CURVE EQUIVALENT
NS = NATIONAL STANINE
NP = NATIONAL PERCENTILE

INTERPRETATION OF SCORES

NORMS

THIS STUDENT'S TEST PERFORMANCE MAY BE COMPARED WITH THAT OF THE NATIONAL NORM GROUP BY REFERRING TO THE NATIONAL PERCENTILE COLUMN (NP) ABOVE. THE 50TH PERCENTILE INDICATES THE NATIONAL AVERAGE. IN TOTAL READING THE STUDENT'S ACHIEVEMENT WAS BETTER THAN APPROXIMATELY 51 PER CENT OF THE NATION'S 1ST GRADERS; IN LANGUAGE, BETTER THAN APPROXIMATELY ** PER CENT; IN TOTAL MATHEMATICS, BETTER THAN APPROXIMATELY 30 PER CENT.

(**) THIS STUDENT HAS NO NATIONAL PERCENTILE SCORE ON TESTS MARKED BY TWO ASTERISKS.

OBJECTIVES

CONTENT AREAS INCLUDED IN CTBS ARE INDICATED AS FOLLOWS: READING (R), SPELLING (SP), LANGUAGE (L), MATHEMATICS (M), REFERENCE SKILLS (RS), SCIENCE (SC), AND SOCIAL STUDIES (SS).

THE STUDENT IS STRONG IN SKILLS RELATED TO:
ORDERING WORDS IN STATEMENTS OR QUESTIONS (L), USE OF ADJECTIVES OR ADVERBS (L), IDENTIFYING SOUNDS OF CLUSTERS OR DIGRAPHS (R), USE OF NOUNS (L), IDENTIFYING INITIAL CONSONANT SOUNDS (R).

THE STUDENT MAY NEED FURTHER INSTRUCTION TO DEVELOP SKILLS RELATED TO:
EXTRACTING DETAILS GIVEN IN PASSAGES (R), ADDING WHOLE NUMBERS (M).

THE STUDENT MAY NEED REVIEW IN:
ANALYZING CHARACTERS IN PASSAGES (R), SUBTRACTING WHOLE NUMBERS (M).

Student \#3

2 Name: [illegible] Age: 7 years

Info: [illegible]

AUDIOGRAM

Best Ear PTA: [illegible]

82339

QUARTER MONTH: 31
CTB ID = 89068-8828-002-003

Score Codes
* Maximum/Minimum Score Possible For Level
A No Valid Attempt
* No Score Available

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CTBS Comprehensive Tests of Basic Skills

Student Interpretive Report

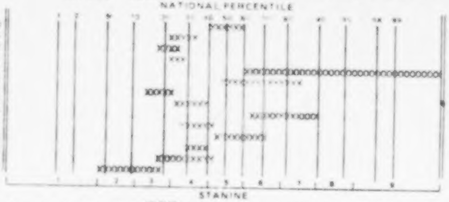
#3 1/D

NAME
CLASS VICKERY BARB
SCHOOL ARKANSAS
SPEC. CODES

DISTRICT AURORA SCHLS
CITY/STATE AURORA CO
RUN DATE 04/26/87

FORM/LEVEL U/E
GRADE 03.7
TEST DATE 04/87

	SS	NCE	NS	AASS	SSD	NP
WORD ATTACK	625	49	5	643		48
VOCABULARY	589	36	4	613		26
COMPREHENSION	556	33	3	609		20
TOTAL READING	573	35	4	611		24
SPELLING	*628	* 79	* 8	599	+	* 92
LANGUAGE MECHANICS	640	60	6	626		69
LANGUAGE EXPRESSION	542	30	3	608		17
TOTAL LANGUAGE	595	38	4	616		29
MATH COMPUTATION	676	67	7	660		79
MATH CONCEPTS & APPL.	612	41	4	631		33
TOTAL MATH	644	53	5	645		56
TOTAL BATTERY	604	40	4	625		32
SCIENCE	568	37	4	568		27
SOCIAL STUDIES	541	22	2	610	-	9



SS = SCALE SCORE
NCE = NORMAL CURV EQUIVALENT
NS = NATIONAL ST
AASS = ANTICIP ACH SCALE SCORE
SSD = SIGNIFICANT SCALE SCORE
NP = NATIONAL PERCENTILE

INTERPRETATION OF SCORES

NORMS

THIS STUDENT'S TEST PERFORMANCE MAY BE COMPARED WITH THAT OF THE NATIONAL NORM GROUP BY REFERRING TO THE NATIONAL PERCENTILE COLUMN (NP) ABOVE. ACHIEVEMENT IN THE BASIC SKILLS IS BEST SUMMARIZED BY THE "TOTAL" SCORES. THE STUDENT'S TOTAL BATTERY SCORE IS BELOW THE NATIONAL AVERAGE (THE 5 PERCENTILE). IN READING, THE STUDENT'S ACHIEVEMENT WAS BETTER THAN APPROXIMATELY 24 PER CENT OF THE NATION'S 3RD GRADERS; IN LANGUAGE, BETTER T APPROXIMATELY 29 PER CENT; IN MATHEMATICS, BETTER THAN APPROXIMATELY 56 PER CENT.

(**) THIS STUDENT HAS NO NATIONAL PERCENTILE SCORE ON TESTS MARKED BY TWO ASTERISKS.

OBJECTIVES

CONTENT AREAS INCLUDED IN CTBS ARE INDICATED AS FOLLOWS: READING (R), SPELLING (SP), LANGUAGE (L), MATHEMATICS (M), REFERENCE SKILLS (RS), SCIENC (SC), AND SOCIAL STUDIES (SS).

THE STUDENT IS STRONG IN SKILLS RELATED TO:
SPELLING OF CONSONANTS IN WORDS (SP), SPELLING OF VOWELS IN WORDS (SP), CAPITALIZATION OF BEGINNING WORDS AND TITLES (L), USE OF NOUNS (L) USE OF PRONOUNS (L).

THE STUDENT MAY NEED FURTHER INSTRUCTION TO DEVELOP SKILLS RELATED TO:
USE OF ADJECTIVES OR ADVERBS (L), UNDERSTANDING HISTORICAL PERSONS, EVENTS, OR ERAS (SS), UNDERSTANDING INDIVIDUALS OR GROUPS IN SOCIETY (USE OF VERBS (L), UNDERSTANDING STRUCTURES OR FUNCTIONS OF GOVERNMENT (SS).

SCATTER FORMAT: 31
[illegible]

#4-a

PROFILE NARRATIVE REPORT

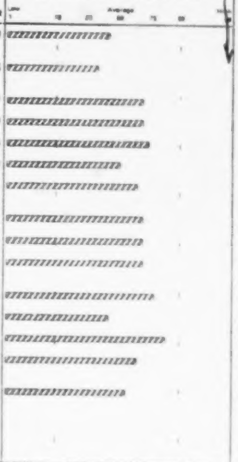
Iowa Tests of Basic Skills

Published by THE RIVERSIDE PUBLISHING COMPANY
SERVICE 28

Pupil I.D. No. 18459826
Grade 3
Sex M
Birth Date 7/77
Age 10 YRS 7 MOS
Order No. 302-005832-003

Class/Group HARNOCK KATHY C TRK
Building MEADOW POINT
System CHERRY CREEK S D
Norms MID-YEAR
Test date 2/88
Level/Form 9/G

Tests	Scores NPR	National Percentile Rank
VOCABULARY	40	
READING	33	
SPELLING	67	
CAPITALIZATION	69	
PUNCTUATION	73	
USAGE/EXPRESSION	50	
LANGUAGE TOTAL	66	
VISUAL MATERIALS	67	
REFERENCE MATERIALS	67	
WORK-STUDY TOTAL	69	
MATH CONCEPTS	76	
MATH PROBLEMS	40	
MATH COMPUTATION	82	
MATH TOTAL	66	
COMPOSITE	56	
SOCIAL STUDIES		
SCIENCE		



NPR: National Percentile Rank

COPY FOR THE PARENT(S) OR GUARDIAN(S) OF

YOUR SON, JEFF, WAS GIVEN THE IOWA TESTS OF BASIC SKILLS (FORM G, LEVEL 9), IN FEBRUARY, 1988. JEFF IS IN THE THIRD GRADE AT MEADOW POINT IN CHERRY CREEK S D. THIS REPORT WILL HELP EXPLAIN THE DETAILS OF THE TEST RESULTS.

JEFF'S COMPOSITE SCORE IS THE BEST INDICATOR OF HIS OVERALL ACHIEVEMENT ON THE TESTS. JEFF'S PERFORMANCE WAS MEASURED WITH THE LEVEL 9 TEST. JEFF'S STANDING IN OVERALL ACHIEVEMENT AMONG THIRD GRADE PUPILS NATIONALLY IS SHOWN BY HIS COMPOSITE PERCENTILE RANK OF 56. THIS MEANS THAT JEFF SCORED BETTER THAN 56 PERCENT OF THIRD GRADE PUPILS NATIONALLY AND THAT 44 PERCENT SCORED AS WELL OR BETTER. JEFF'S OVERALL ACHIEVEMENT APPEARS TO BE ABOUT AVERAGE FOR HIS GRADE.

THE SCORES OF ONE PUPIL ARE OFTEN COMPARED WITH OTHER PUPILS' SCORES NATIONALLY. GENERALLY, JEFF'S SCORES ARE ABOUT AVERAGE WHEN DESCRIBED IN THIS WAY. HOWEVER, SKILLS CAN ALSO BE COMPARED WITH EACH OTHER TO DETERMINE AN INDIVIDUAL'S STRENGTHS AND WEAKNESSES. IN JEFF'S CASE, THE HIGHEST SCORES ARE IN MATH CONCEPTS AND MATH COMPUTATION. THESE ARE STRONG POINTS WHICH CAN BE USED TO IMPROVE OTHER SKILLS. IN JEFF'S CASE, THE LOWEST SCORE IS IN READING. THIS IS AN AREA IN WHICH JEFF APPEARS TO NEED THE MOST WORK.

A PUPIL'S COMMAND OF READING SKILLS IS RELATED TO SUCCESS IN MANY AREAS OF SCHOOL WORK, SINCE MOST SUBJECTS REQUIRE SOME READING. JEFF'S READING SCORE IS SOMEWHAT BELOW AVERAGE WHEN COMPARED WITH THOSE OF OTHER THIRD GRADE PUPILS NATIONALLY. JEFF'S READING SCORE IS BELOW AVERAGE WHEN COMPARED WITH HIS OWN TEST PERFORMANCE IN OTHER AREAS.

IF YOU WOULD LIKE MORE INFORMATION ABOUT JEFF'S PERFORMANCE IN SCHOOL, PLEASE CONTACT HIS SCHOOL.

Student #4

20 Name: Jeff Age: 9 years

Info: Resource room with reg. 4th grade classes; St. Joseph Inst. Deaf 2 yrs.
Binaural hearing aids with FM in regular class.
Academics: good to excellent progress.

	AUDIOGRAM: 250	500	1K	2K	4K
R.E.:	80	90	100	---	---
L.E.:	75	90	110	---	---

Best Ear PTA: (102) dB

PROFILE NARRATIVE REPORT

Iowa Tests of Basic Skills
Cognitive Abilities Test

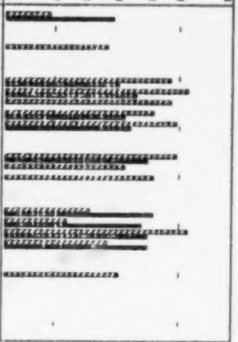
Published by THE RIVERSIDE PUBLISHING COMPANY

Pupil I.D. No. 18322490
Grade 4
Sex M
Birth Date 10/76
Age 10 YRS 4 MOS
Order No. 302-004752-005

Class/Group FAIRPLAY
Building POLTON
System CHERRY CREEK SCHOOLS
Norms MID-YEAR
Test date 2/87
Level/Form ITBS 10/G COGAT B/4

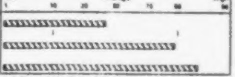
Iowa Tests of Basic Skills	Predicted Scores GE	Predicted Scores NPR	Obtained Scores GE	Obtained Scores NS	Obtained Scores NPR
VOCABULARY	45	48	28	3	7
READING	46	54	43	5	42
SPELLING	46	51	62	7	88
CAPITALIZATION	50	64	68	8	93
PUNCTUATION	53	70	65	7	86
USAGE/EXPRESSION	47	56	58	6	76
LANGUAGE TOTAL	49	61	63	8	89
VISUAL MATERIALS	55	73	62	8	89
REFERENCE MAT'LS	49	62	47	5	56
WORK-STUDY TOTAL	51	68	54	6	76
MATH CONCEPTS	55	76	36	4	27
MATH PROBLEMS	51	69	38	3	13
MATH COMPUTATION	50	74	58	8	93
MATH TOTAL	51	74	42	5	41
COMPOSITE	48	60	45	5	51
SOCIAL STUDIES					
SCIENCE					

National Percentile Rank



Cognitive Abilities Test	% Att	Raw Score	Age Scores SAS	Age Scores NS	Age Scores NPR	Grade Scores NS	Grade Scores NPR
VERBAL	78	46	96	5	40	5	41
QUANTITATIVE	60	49	117	7	86	8	89
NONVERBAL	68	60	130	9	97	9	96

National Grade Percentile Rank



% Att: Attempted. NS: National Stanine. NPR: National Percentile Rank. SAS: Standard Age Score

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5-9

COPY FOR THE PARENT(S) OR GUARDIAN(S) OF

YOUR SON, RYAN, WAS GIVEN THE IOWA TESTS OF BASIC SKILLS (FORM G, LEVEL 10), IN FEBRUARY, 1987. RYAN IS IN THE FOURTH GRADE AT POLTON IN CHERRY CREEK SCHOOLS. THIS REPORT WILL HELP EXPLAIN THE DETAILS OF THE TEST RESULTS.

RYAN'S COMPOSITE SCORE IS THE BEST INDICATOR OF HIS OVERALL ACHIEVEMENT ON THE TESTS. RYAN EARNED A COMPOSITE GRADE EQUIVALENT OF 45, WHICH MEANS THAT HIS TEST PERFORMANCE WAS APPROXIMATELY THE SAME AS THAT MADE BY A TYPICAL PUPIL IN THE FOURTH GRADE AT THE END OF THE FIFTH MONTH. RYAN'S PERFORMANCE WAS MEASURED WITH THE LEVEL 10 TEST. RYAN'S STANDING IN OVERALL ACHIEVEMENT AMONG FOURTH GRADE PUPILS NATIONALLY IS SHOWN BY HIS COMPOSITE PERCENTILE RANK OF 51. THIS MEANS THAT RYAN SCORED BETTER THAN 51 PERCENT OF FOURTH GRADE PUPILS NATIONALLY AND THAT 49 PERCENT SCORED AS WELL OR BETTER. RYAN'S OVERALL ACHIEVEMENT APPEARS TO BE ABOUT AVERAGE FOR HIS GRADE.

SKILLS CAN ALSO BE COMPARED WITH EACH OTHER TO DETERMINE AN INDIVIDUAL'S STRENGTHS AND WEAKNESSES. IN RYAN'S CASE, THE HIGHEST SCORES ARE IN SPELLING, CAPITALIZATION, PUNCTUATION, USAGE AND EXPRESSION, VISUAL MATERIALS, AND MATH COMPUTATION. THESE ARE STRONG POINTS WHICH CAN BE USED TO IMPROVE OTHER SKILLS. IN RYAN'S CASE, THE LOWEST SCORES ARE IN VOCABULARY, MATH CONCEPTS, AND MATH PROBLEMS. THESE ARE AREAS IN WHICH RYAN APPEARS TO NEED THE MOST WORK.

A PUPIL'S COMMAND OF READING SKILLS IS RELATED TO SUCCESS IN MANY AREAS OF SCHOOL WORK, SINCE MOST SUBJECTS REQUIRE SOME READING. RYAN'S READING SCORE IS ABOUT AVERAGE WHEN COMPARED WITH THOSE OF OTHER FOURTH GRADE PUPILS NATIONALLY. RYAN'S READING SCORE IS ABOUT AVERAGE WHEN COMPARED WITH HIS OWN TEST PERFORMANCE IN OTHER AREAS.

DIFFERENT PUPILS BRING DIFFERENT PATTERNS AND LEVELS OF ABILITIES TO LEARNING TASKS. TO HELP FIND OUT ABOUT RYAN'S ABILITIES, HE WAS RECENTLY GIVEN THE COGNITIVE ABILITIES TEST. THE TEST COVERS THREE DIFFERENT KINDS OF ABILITIES: VERBAL, QUANTITATIVE, AND NONVERBAL ABILITIES. MOST SCHOOL WORK HAS TO DO WITH ONE OR MORE OF THESE.

RYAN WAS TESTED IN ALL THREE AREAS: VERBAL, QUANTITATIVE, AND NONVERBAL ABILITIES. RYAN'S NATIONAL PERCENTILE RANK ON VERBAL ABILITY IS 41. THIS MEANS THAT COMPARED WITH OTHER FOURTH GRADE PUPILS NATIONALLY, RYAN DID BETTER THAN 41 PERCENT. RYAN, THEREFORE, APPEARS TO BE ABOUT AVERAGE IN VERBAL ABILITY. RYAN'S NATIONAL PERCENTILE RANK IS 89 IN QUANTITATIVE ABILITY AND 96 IN NONVERBAL ABILITY. RYAN SEEMS TO BE WELL ABOVE AVERAGE IN QUANTITATIVE ABILITY AND HIGH IN NONVERBAL ABILITY.

HOW ARE RYAN'S BASIC SKILLS SCORES COMPARED TO HIS ABILITIES SCORES? USING THE .68 LEVEL OF CONFIDENCE FOR OUR PREDICTIONS, RYAN'S ACTUAL ACHIEVEMENT IS HIGHER THAN EXPECTED IN FIVE SKILLS. THESE ARE SPELLING, CAPITALIZATION, USAGE AND EXPRESSION, VISUAL MATERIALS, AND MATH COMPUTATION. RYAN IS DOING VERY WELL IN THESE SKILLS. BY THESE TERMS, RYAN'S ACTUAL ACHIEVEMENT IS LOWER THAN EXPECTED IN THREE SKILLS. THESE ARE VOCABULARY, MATH CONCEPTS, AND MATH PROBLEMS. THESE REPRESENT AREAS OF UNDERACHIEVEMENT WHERE RYAN IS NOT DOING AS WELL AS HE MIGHT. RYAN CAN LIKELY DO BETTER IN THESE SKILLS. MUCH DEPENDS ON THE STUDY ENVIRONMENT, STUDENT EFFORT, AND MOTIVATION FOR LEARNING.

IF YOU WOULD LIKE MORE INFORMATION ABOUT RYAN'S PERFORMANCE IN SCHOOL, PLEASE CONTACT HIS SCHOOL.

Student # 5

---

23 Name: Ryan Age: 10 years

Info: Entering regular 5th grade; mainstream education only
Binaural hearing aids with FM in class
Academics: excellent progress, honor roll

AUDIOGRAM

Best Ear PTA: 102+ dB

	250	500	1K	2K	4K
R.E.:	95	110	120	---	---
L.E.:	80	90	100	---	100

RIVERSIDE PUBLISHING COMPANY

18522490 Page 966
FAIRPLAY
FOLTON
CHERRY CREEK SCHOOLS
10 Form G Grade 6
MID-YEAR Test Date 2/87
302-004752-005

Iowa Tests of Basic Skills

SERVICE 1:
STUDENT CRITERION-REFERENCED SKILLS ANALYSIS

	LISTENING LI	WORD ANALYSIS WA	VOCABULARY V	READING R	SPELLING L-1	CAPITALIZATION L-2	PUNCTUATION L-3	USAGE L-4	TOTAL L	VISUAL MATERIALS W-1	REFERENCE W-2	TOTAL W	CONCEPTS M-1	PROBLEMS M-2	COMPUTATION M-3	TOTAL M	BASIC	COMPLETE	SOCIAL STUDIES SS	SCIENCE SC
[illegible]			25	42	67	68	63	58	65	67	47	56	38	30	58	42	43	45		
NATIONAL PERCENTILE RANK & STANINE			7 2	42 5	85 7	95 8	86 7	75 6	89 8	89 8	56 5	76 6	27 4	13 3	93 8	41 5	44 5	51 5		

SKILLS	(Class N)	Number of Items	Number Attempted	Number Correct	Percent Correct For This Student	Class Average Percent Correct	National Average Percent Correct
CABULARY	(45)	36	36	9	25	64	54
Reading/Language		10	10	1	10	68	56
Work-Study/Social Studies		10	10	2	20	54	46
Mathematics/Science		8	8	4	50	68	63
Fine/Applied Arts		6	6	2	33	67	96
Unclassified		2	2	0	0	69	45
ADING	(45)	49	49	25	51	66	56
Facts		16	16	8	50	72	60
Description/Categorization		7	7	4	57	81	65
Relationships/Context Meaning		9	9	4	44	65	56
Inferences		15	15	8	53	61	52
Cause and Effect/Conclusions		9	9	5	56	66	57
Traits and Feelings/Motives		6	6	3	50	55	46
Generalizations		18	18	9	50	64	56
Main Idea/Organization		8	8	3	38	63	61
Application/Purpose/Viewpoint		4	4	3	75	60	49
Language/Mood/Style		6	6	3	50	67	55
ELLING	(44)	36	36	29	81	63	80
Consonant Substitutions/Reversal		8	8	8	100	75	66
Consonant Omissions/Additions		12	12	8	67	55	51
Vowel Substitutions/Reversals		7	7	7	100	73	63
Vowel Omissions/Additions		5	5	4	80	64	59
No Mistakes		4	4	2	50	44	68
ITALIZATION	(44)	[illegible]	[illegible]	[illegible]	[illegible]	78	57
Names and Titles		[illegible]	[illegible]	[illegible]	100	78	61
Dates and Holidays		[illegible]	[illegible]	[illegible]	67	73	56
Place Names		[illegible]	[illegible]	[illegible]	100	77	[illegible]
Organizations and Groups		[illegible]	[illegible]	[illegible]	75	72	58
Linguistic Conventions		[illegible]	[illegible]	[illegible]	60	63	52
Overcapitalization/No Mistakes		4	[illegible]	[illegible]	100	66	57
CTUATION	(43)	[illegible]	[illegible]	[illegible]	76	76	55
Use of Terminal Punctuation		[illegible]	12	[illegible]	[illegible]	76	53
Use of Commas		[illegible]	[illegible]	[illegible]	100	81	48
Use of Other/Over Punctuation		[illegible]	[illegible]	[illegible]	80	71	46
No Mistakes		[illegible]	[illegible]	[illegible]	100	69	73
AGE and EXPRESSION	(44)	[illegible]	[illegible]	[illegible]	75	74	57
Use of Verbs		[illegible]	[illegible]	[illegible]	80	80	52
Use of Personal Pronouns		6	6	6	100	74	58
Use of Modifiers		4	4	2	50	70	51
Use of Context/No Mistakes		6	6	4	67	68	55
Conciseness and Clarity		3	3	3	100	82	67
Appropriateness		4	4	2	50	67	54
Organization		5	5	4	80	79	68

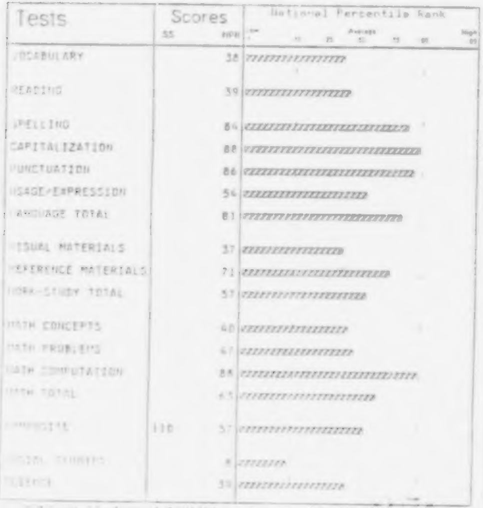
SKILLS	(Class N)	Number of Items	Number Attempted	Number Correct	Percent Correct For This Student	Class Average Percent Correct	National Average Percent Correct
VISUAL MATERIALS	(44)	36	36	29	81	74	[illegible]
Map Reading		25	25	21	84	74	[illegible]
Locating/Describing Places		8	8	7	88	80	63
Determining Direction/Distance		5	5	3	60	68	50
Interpreting Data		3	3	3	100	55	37
Inferring Living Conditions		9	9	8	89	79	70
Reading Graphs and Tables		11	11	8	73	72	60
Reading/Comparing Quantities		8	8	7	88	79	65
Interpreting Relationships		3	3	1	33	54	47
REFERENCE MATERIALS	(44)	39	39	26	67	72	63
Alphabetizing		7	7	5	71	87	80
Using a Table of Contents		7	7	4	57	61	52
Using an Index		7	7	7	100	81	70
Using a Dictionary		8	8	3	38	62	48
Encyclopedias/Guide & Key Words		4	4	2	50	54	45
General Reference Materials		6	6	5	83	82	78
MATH CONCEPTS	(45)	32	32	15	47	68	60
Numeration and Number Systems		8	8	7	88	72	64
Equations and Inequalities		4	4	1	25	51	49
Whole Numbers: Integers		9	9	3	33	77	63
Fractions, Decimals, Currency		5	5	1	20	58	53
Geometry and Measurement		6	6	3	50	70	64
MATH PROBLEM SOLVING	(45)	26	26	6	23	63	51
Single-Step: Add and Subtract		9	9	2	22	69	62
Single-Step: Multiply and Divide		9	9	3	33	62	49
Multiple-Step Problems		8	8	1	13	57	42
MATH COMPUTATION	(45)	37	37	34	92	77	65
Whole Number Addition		10	10	8	80	81	74
Whole Number Subtraction		10	10	10	100	82	68
Whole Number Multiplication		12	12	11	92	78	65
Whole Number Division		5	5	5	100	58	43
OPTIONAL TESTS							
SOCIAL STUDIES	([illegible])	[illegible]					39
Historical Perspective		11					39
Patterns and Systems		29					39
SCIENCE	([illegible])	40					41
Nature of Science/Life Science		12					43
Earth and Space Science		8					30
Physics/Chemistry		6					35
Health and Safety		14					47

PROFILE NARRATIVE REPORT

Iowa Tests of Basic Skills

5-76
9 YRS 11 MOS
025-007917-009

SHAFFER
LONGMONT ESTATES
ST VRAIN VLY RE ONE
SPRING
4/86
9/G



Tests	SS	NPR
VOCABULARY		38
READING		39
SPELLING		84
CAPITALIZATION		88
PUNCTUATION		86
USAGE/EXPRESSION		56
LANGUAGE TOTAL		81
VISUAL MATERIALS		37
REFERENCE MATERIALS		71
WORK-STUDY TOTAL		57
MATH CONCEPTS		40
MATH PROBLEMS		47
MATH COMPUTATION		88
MATH TOTAL		65
COMPOSITE	110	57
SOCIAL STUDIES		8
SCIENCE		39

6-a

COPY FOR THE PARENT(S) OR GUARDIAN(S) OF KOR

YOUR DAUGHTER, KORI, WAS GIVEN THE IOWA TESTS OF BASIC SKILLS (FORM
LEVEL 9), IN APRIL, 1986. KORI IS IN THE THIRD GRADE AT LONGMONT ESTATE
VRAIN VLY RE ONE. THIS REPORT WILL HELP EXPLAIN THE DETAILS OF THE TEST
RESULTS.

KORI'S COMPOSITE SCORE IS THE BEST INDICATOR OF HER OVERALL ACHIEVE
THE TESTS. KORI'S PERFORMANCE WAS MEASURED WITH THE LEVEL 9 TEST. KORI
STANDING IN OVERALL ACHIEVEMENT AMONG THIRD GRADE PUPILS NATIONALLY IS S
HER COMPOSITE PERCENTILE RANK OF 57. THIS MEANS THAT KORI SCORED BETTER
57 PERCENT OF THIRD GRADE PUPILS NATIONALLY AND THAT 43 PERCENT SCORED A
OR BETTER. KORI'S OVERALL ACHIEVEMENT APPEARS TO BE ABOUT AVERAGE FOR H
GRADE.

THE SCORES OF ONE PUPIL ARE OFTEN COMPARED WITH OTHER PUPIL'S SCORE
GENERALLY, KORI'S SCORES ARE ABOUT AVERAGE WHEN DESCRIBED IN THIS WAY.
HOWEVER, SKILLS CAN ALSO BE COMPARED WITH EACH OTHER TO DETERMINE AN
INDIVIDUAL'S STRENGTHS AND WEAKNESSES. IN KORI'S CASE, THE HIGHEST SCOR
IN SPELLING, CAPITALIZATION, PUNCTUATION, AND MATH COMPUTATION. THESE A
STRONG POINTS WHICH CAN BE USED TO IMPROVE OTHER SKILLS. KORI'S LOWEST
IS IN SOCIAL STUDIES. THIS IS AN AREA IN WHICH KORI APPEARS TO NEED THE
WORK.

A PUPIL'S COMMAND OF READING SKILLS IS RELATED TO SUCCESS IN MANY A
SCHOOL WORK, SINCE MOST SUBJECTS REQUIRE SOME READING. KORI'S READING S
SOMEWHAT BELOW AVERAGE WHEN COMPARED WITH THOSE OF OTHER THIRD GRADE PUP
NATIONALLY. KORI'S READING SCORE IS ABOUT AVERAGE WHEN COMPARED WITH HE
TEST PERFORMANCE IN OTHER AREAS.

IF YOU WOULD LIKE MORE INFORMATION ABOUT KORI'S PERFORMANCE IN SCH
PLEASE CONTACT HER SCHOOL.

Student #6

Comprehensive Tests
of Basic Skills
CTBS

Student Interpretive Report

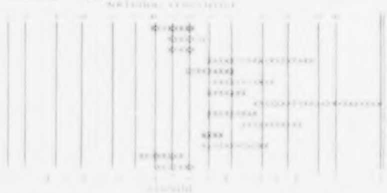
#6-b

NAME
CLASS COLACCINO S
SCHOOL LONGMONT EST
SPEC. CODES 70772 5

DISTRICT ST VRAIN VAL
CITY/STATE LONGMONT CO
RUN DATE 05/24/87

FORM/LEVEL U/F
GRADE 04.7
TEST DATE 04/87

	SS	NCE	NS	LP	NP
VOCABULARY	657	49	5	31	48
COMPREHENSION	694	53	5	37	55
TOTAL READING	676	51	5	34	53
SPELLING	714	74	7	84	87
LANGUAGE MECHANICS	688	60	6	64	69
LANGUAGE EXPRESSION	709	70	7	72	83
TOTAL LANGUAGE	699	65	6	68	76
MATH COMPUTATION	729	93	9	92	98
MATH CONCEPTS & APPL.	683	67	7	63	79
TOTAL MATH	706	78	8	82	91
TOTAL BATTERY	694	60	6	56	69
REFERENCE SKILLS	696	68	7	80	80
SCIENCE	625	46	5	25	42
SOCIAL STUDIES	666	49	5	30	48



SS = SCALE SCORE
NCE = NORMAL CURVE EQUIVALENT
NS = NATIONAL STANINE
LP = LOCAL PERCENTILE
NP = NATIONAL PERCENTILE

INTERPRETATION OF SCORES

NORMS

THIS STUDENT'S TEST PERFORMANCE MAY BE COMPARED WITH THAT OF THE NATIONAL NORM GROUP BY REFERRING TO THE NATIONAL PERCENTILE COLUMN (NP) ABOVE. ACHIEVEMENT IN THE BASIC SKILLS IS BEST SUMMARIZED BY THE "TOTAL" SCORES. THE STUDENT'S TOTAL BATTERY SCORE IS ABOVE THE NATIONAL AVERAGE (THE 50TH PERCENTILE). IN READING, THE STUDENT'S ACHIEVEMENT WAS BETTER THAN APPROXIMATELY 53 PER CENT OF THE NATION'S 4TH GRADERS. IN LANGUAGE, BETTER THAN APPROXIMATELY 76 PER CENT; IN MATHEMATICS, BETTER THAN APPROXIMATELY 91 PER CENT.

(**) THIS STUDENT HAS NO NATIONAL PERCENTILE SCORE ON TESTS MARKED BY TWO ASTERISKS.

OBJECTIVES

CONTENT AREAS INCLUDED IN CTBS ARE INDICATED AS FOLLOWS: READING (R), SPELLING (SP), LANGUAGE (L), MATHEMATICS (M), REFERENCE SKILLS (RS), SCIENCE (SC), AND SOCIAL STUDIES (SS).

THE STUDENT IS STRONG IN SKILLS RELATED TO:
USE OF NOUNS (L), USE OF ADJECTIVES OR ADVERBS (L), IDENTIFYING PARTS OF SPEECH IN COMPLETE SENTENCES (L), COMBINING RELATED THOUGHTS IN SENTENCES (L), ORDERING SENTENCES IN PARAGRAPHS (L).

THE STUDENT MAY NEED REVIEW IN:
USE OF PRONOUNS (L), UNDERSTANDING HISTORICAL PERSONS, EVENTS, OR ERAS (SS), UNDERSTANDING PRINCIPLES AND METHODS IN ECOLOGY (SC), UNDERSTANDING ECONOMIC CONCEPTS (SS), UNDERSTANDING PRINCIPLES AND METHODS IN ZOOLOGY (SC).

82338

[illegible]

CAT CALIFORNIA ACHIEVEMENT TESTS, FORMS E&F — CTB/McGRAW-HILL

INDIVIDUAL TEST RECORD

SPECIAL CODES: [illegible] CLASS: [illegible] SCHOOL: [illegible] DISTRICT: [illegible] TEST DATE: [illegible] RUN DATE: [illegible]

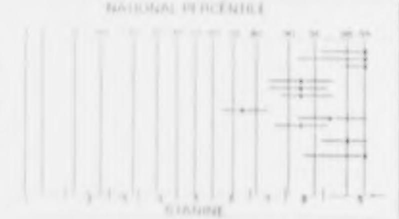
STUDENT:

BIRTH DATE [illegible]

#7-9

	NS	GE	NCE	SS	LP	NP	RANGE
VOCABULARY	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
COMPREHENSION	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
TOTAL READING	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
LANGUAGE MECHANICS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
LANGUAGE EXPRESSION	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
TOTAL LANGUAGE	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
MATH COMPUTATION	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
MATH CONCEPTS & APPL	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
TOTAL MATHEMATICS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
TOTAL BATTERY	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SPELLING	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

NATIONAL PERCENTILE



STANINE

NS = NATIONAL STANINE
GE = GRADE EQUIVALENT
NCE = NORMAL CURVE EQUIVALENT
SS = SCALE SCORE
LP = LOCAL PERCENTILE
NP = NATIONAL PERCENTILE

OBJECTIVES PERFORMANCE INDEX

OPI

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26 HOMONYMS
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COMPREHENSION
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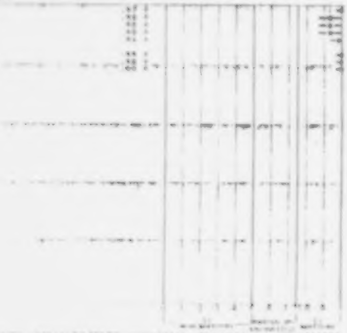
33 CHARACTER ANALYSIS
36 CENTRAL THOUGHT
37 INTERPRETING EVENTS
38 FORMS OF WRITING
39 WRITING TECHNIQUES
LANGUAGE MECHANICS
43 PRONOUN I,NOUN,ADJECT
44 BEGINNING WORDS, TITLES
45 PERIOD,QUEST,EXCLAM
46 COMMA,COLON,SEMI,QUOT
47 PROOFREADING
LANGUAGE EXPRESSION
48 NOUNS
49 PRONOUNS
50 VERBS
51 ADJECTIVES,ADVERBS
53 SENTENCE PATTERNS
54 SENTENCE RECOGNITION
55 SENTENCE COMBINING
57 TOPIC SENTENCE
58 SENTENCE SEQUENCE
MATH COMPUTATION
63 ADD FRACTIONS
64 SUBTRACT FRACTIONS
65 MULTIPLY WHOLE NUMBERS
66 MULTIPLY DECIMALS
67 MULTIPLY FRACTIONS
68 DIVIDE WHOLE NUMBERS
69 DIVIDE DECIMALS
70 DIVIDE FRACTIONS
MATH CONCEPTS & APPL
71 NUMERATION

OPI

72 NUMBER SENTENCES
73 NUMBER THEORY
74 PROBLEM SOLVING
75 MEASUREMENT
76 GEOMETRY
SPELLING
[illegible]
[illegible]
[illegible]



* MAXIMUM/MINIMUM OBTAINED   N: NOT ALL ITEMS REACHED   Y: NO SCORE AVAILABLE   [illegible]

274

275 Student #7

[illegible]

AUDIOGRAM

Iowa Tests of Basic Skills
Cognitive Abilities Test
Published by THE RIVERSIDE PUBLISHING COMPANY

[illegible] 1933/310
[illegible] 7
[illegible] M
[illegible] 12/72
[illegible] 13 YRS 4 MOS
[illegible] 000-011162-008

[illegible] CLASS LIST
[illegible] WEST MIDDLE
[illegible] CHERRY CREEK SCHOOLS
[illegible] SPRING
[illegible] 4/86
[illegible] ITBS 13/G COGAT E/4

Iowa Tests of Basic Skills	Predicted Scores		Obtained Scores			National Percentile Rank Low 1 10 25 Average 50 75 90 High 99
	GE	NPR	GE	NS	NPR	
VOCABULARY	86	66	93	7	80	
READING	86	67	114	9	92	
SPELLING	86	66	119	9	96	
CAPITALIZATION	89	65	125	9	99	
PUNCTUATION	89	70	105	7	87	
USAGE/EXPRESSION	90	68	96	6	75	
LANGUAGE TOTAL	89	70	110	8	91	
VISUAL MATERIALS	89	71	89	6	71	
REFERENCE MAT'LS	89	68	99	7	84	
WORK STUDY TOTAL	89	72	94	7	80	
MATH CONCEPTS	89	70	106	8	95	
MATH PROBLEMS	86	68	87	6	70	
MATH COMPUTATION	83	66	100	8	95	
MATH TOTAL	86	70	98	8	91	
COMPOSITE	88	72	102	8	91	
SOCIAL STUDIES						
SCIENCE						

Cognitive Abilities Test			Age Scores			Grade Scores		National Grade Percentile Rank Low 1 10 25 Average 50 75 90 High 99
	RS	[illegible]	SAS	AS	APR	GS	GPR	
VERBAL	75	64	123	8	92	8	92	
QUANTITATIVE	60	56	131	9	97	9	97	
NONVERBAL	65	66	110	6	75	6	75	

GE: Grade Equivalent, NS: National Stanine, NPR: National Percentile Rank, SAS: Standard Age Score

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8-a

COPY FOR THE PARENT(S) OR GUARDIAN(S) OF

YOUR SON, JASON, WAS GIVEN THE IOWA TESTS OF BASIC SKILLS (FORM G, LEVEL 13), IN APRIL, 1986. JASON IS IN THE SEVENTH GRADE AT WEST MIDDLE IN CHERRY CREEK SCHOOLS. THIS REPORT WILL HELP EXPLAIN THE DETAILS OF THE TEST RESULTS.

JASON'S COMPOSITE SCORE IS THE BEST INDICATOR OF HIS OVERALL ACHIEVEMENT ON THE TESTS. JASON EARNED A COMPOSITE GRADE EQUIVALENT OF 102, WHICH MEANS THAT HIS TEST PERFORMANCE WAS APPROXIMATELY THE SAME AS THAT MADE BY A TYPICAL PUPIL IN THE TENTH GRADE AT THE END OF THE SECOND MONTH. JASON'S PERFORMANCE WAS MEASURED WITH THE LEVEL 13 TEST. JASON'S STANDING IN OVERALL ACHIEVEMENT AMONG SEVENTH GRADE PUPILS NATIONALLY IS SHOWN BY HIS COMPOSITE PERCENTILE RANK OF 91. THIS MEANS THAT JASON SCORED BETTER THAN 91 PERCENT OF SEVENTH GRADE PUPILS NATIONALLY AND THAT 7 PERCENT SCORED AS WELL OR BETTER. JASON'S OVERALL ACHIEVEMENT APPEARS TO BE WELL ABOVE AVERAGE FOR HIS GRADE.

SKILLS CAN ALSO BE COMPARED WITH EACH OTHER TO DETERMINE AN INDIVIDUAL'S STRENGTHS AND WEAKNESSES. IN JASON'S CASE, THE HIGHEST SCORES ARE IN SPELLING AND CAPITALIZATION. THESE ARE STRONG POINTS WHICH CAN BE USED TO IMPROVE OTHER SKILLS. JASON'S LOWEST SCORES ARE IN VOCABULARY, USAGE AND EXPRESSION, VISUAL MATERIALS, AND MATH PROBLEMS. THESE ARE AREAS IN WHICH JASON APPEARS TO NEED THE MOST WORK.

A PUPIL'S COMMAND OF READING SKILLS IS RELATED TO SUCCESS IN MANY AREAS OF SCHOOL WORK, SINCE MOST SUBJECTS REQUIRE SOME READING. JASON'S READING SCORE IS HIGH WHEN COMPARED WITH THOSE OF OTHER SEVENTH GRADE PUPILS NATIONALLY. JASON'S READING SCORE IS ABOUT AVERAGE WHEN COMPARED WITH HIS OWN TEST PERFORMANCE IN OTHER AREAS.

DIFFERENT STUDENTS BRING DIFFERENT PATTERNS AND LEVELS OF ABILITIES TO LEARNING TASKS. TO HELP FIND OUT ABOUT JASON'S ABILITIES, HE WAS RECENTLY GIVEN THE COGNITIVE ABILITIES TEST. THE TEST COVERS THREE DIFFERENT KINDS OF ABILITIES: VERBAL, QUANTITATIVE, AND NONVERBAL ABILITIES. MOST SCHOOL WORK HAS TO DO WITH ONE OR MORE OF THESE.

JASON WAS TESTED IN ALL THREE AREAS: VERBAL, QUANTITATIVE, AND NONVERBAL ABILITIES. JASON'S NATIONAL PERCENTILE RANK ON VERBAL ABILITY IS 92. THIS MEANS THAT COMPARED WITH OTHER SEVENTH GRADE STUDENTS NATIONALLY, JASON DID BETTER THAN 92 PERCENT. JASON, THEREFORE, APPEARS TO BE WELL ABOVE AVERAGE IN VERBAL ABILITY. JASON'S NATIONAL PERCENTILE RANK IS 97 IN QUANTITATIVE ABILITY AND 75 IN NONVERBAL ABILITY. JASON SEEMS TO BE HIGH IN QUANTITATIVE ABILITY AND SOMEWHAT ABOVE AVERAGE IN NONVERBAL ABILITY.

HOW ARE JASON'S BASIC SKILLS SCORES COMPARED TO HIS ABILITIES SCORES? USING THE .68 LEVEL OF CONFIDENCE FOR OUR PREDICTIONS, JASON'S ACTUAL ACHIEVEMENT IS HIGHER THAN EXPECTED IN FIVE SKILLS. THESE ARE READING, SPELLING, CAPITALIZATION, MATH CONCEPTS, AND MATH COMPUTATION. JASON IS DOING VERY WELL IN THESE SKILLS.

IF YOU WOULD LIKE MORE INFORMATION ABOUT JASON'S PERFORMANCE IN SCHOOL, PLEASE CONTACT HIS SCHOOL.

Student # 8

Name: Jason Age: 14 years

Entering regular 9th grade; mainstream education only.
Binaural hearing aids with FM in class.
Academics: all accelerated classes.
One of a set of triplets.

Better Ear PTA: 80 dB

AUDIOGRAM	250	500	1K	2K	4K
R.E.	80	80	90	105	—
L.E.	70	75	80	100	—

9-9

PRAIRIE MIDDLE MABLE

7 13 7 04/81 17812170

Iowa Tests of Basic Skills

THE RIVERSIDE PUBLISHING COMPANY

STUDENT CRITERION-REFERENCED SKILLS ANALYSIS

142-0612-000

V VOCAB	R READNG	L-1 SPELG	L-2 CAPTN	L-3 PUNTN	L-4 USAGE	L TOT LANGT	W-1 VIS M	W-2 REF M	W TOT WS ST	M-1 M CON	M-2 M PRO	M-3 M COM	M TOT MATH	COMPST COMP	SS SOC S	SC SCIEN
52 12	58 19	51 14	88 62	50 14	73 44	66 32	88 67	65 29	76 48	64 22	73 40	81 58	73 40	65 27		

SKILLS							
VOCABULARY	(N= 18)	34	13	43	30	68	58
Nouns		11	4	13	31	76	59
Verbs		11	5	14	36	67	57
Modifiers & Connectives		12	4	16	25	63	57
READING	(N= 18)	49	19	57	33	57	52
Facts		15	5	18	28	58	52
Inferences		16	3	17	18	53	49
Generalizations		18	11	22	50	59	55
SPELLING	(N= 18)	28	13	43	30	65	56
Components		11	4	16	25	64	58
Vowels		13	6	20	30	64	52
No Mistakes		4	3	7	43	69	68
→CAPITALIZATION	(N= 18)	31	19	31	61	65	52
→ Names and Titles		4	3	4	75	75	55
→ Place Names		7	6	7	86	63	47
→ Organizations and Groups		5	4	5	80	76	56
→ Linguistic Conventions		6	2	6	33	66	48
→ Overcapitalization		4	0	4	0	47	43
→ No Mistakes		3	2	3	67	63	68
PUNCTUATION	(N= 18)	31	9	31	29	64	54
Terminal Punctuation		6	1	6	17	62	49
Use of Commas		8	0	8	0	65	53
Other Punctuation		6	2	6	33	73	55
Overpunctuation		8	4	8	50	59	50
No Mistakes		3	2	3	67	61	62
USAGE	(N= 18)	31	17	31	55	70	57
Use of Verbs		9	3	9	33	72	58
Use of Pronouns		4	4	4	100	83	54
Use of Modifiers		7	3	7	43	63	51
Use of Context		8	5	8	63	67	53
No Mistakes		3	2	3	67	70	67

SKILLS							
→VISUAL MATERIALS	(N= 18)	52	24	52	[redacted]	49	41
→ Map Reading		29	17	29	[redacted]	53	43
→ Reading Graphs & Tables		23	7	23	[redacted]	43	38
REFERENCE MATERIALS	(N= 18)	47	22	47	[redacted]	62	54
Alphabetizing		9	6	9	[redacted]	85	77
Using an Index		8	3	8	[redacted]	56	47
Using a Dictionary		9	3	9	[redacted]	49	49
Using Encyclopedias		6	4	6	[redacted]	46	38
Using Guide Words		4	1	4	[redacted]	53	49
Using Key Words		4	0	4	[redacted]	64	50
Using General Reference Materials		7	5	7	[redacted]	72	65
MATH CONCEPTS	(N= 17)	42	14	42	[redacted]	56	50
Numeration, Number Systems, and Sets		8	1	8	[redacted]	57	55
Equations, Inequalities and Number Sentences		4	2	4	50	50	52
Whole Numbers, Integers		5	2	5	40	55	51
Fractions		8	2	8	25	50	50
Decimals, Currency, and Percent		9	5	9	56	70	51
Geometry and Measurement		8	2	8	25	50	41
MATH PROBLEM SOLVING	(N= 17)	30	14	30	47	55	51
Single-Step Problems: Addition - Subtraction		3	1	3	33	47	48
Single-Step Problems: Multiplication - Division		4	1	4	[redacted]	56	51
Multiple-Step Problems: Combined Use of Basic Operations		23	12	23	[redacted]	55	53
→MATH COMPUTATION	(N= 18)	40	27	45	[redacted]	60	53
→ Whole Numbers		16	14	16	[redacted]	72	69
→ Fractions		16	10	18	[redacted]	56	42
→ Decimals		8	3	11	[redacted]	51	47

Areas of greatest need are underlined.
Areas that represent strengths are marked with arrows.
N = Number of students included in class average

Name: David Age: [illegible] years

231 Student #9

# 10 -a

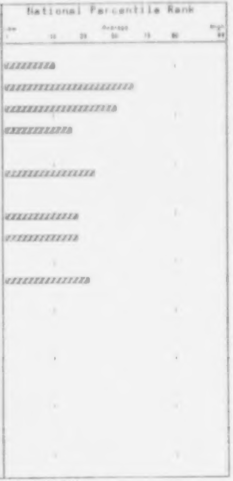
Tests of Achievement & Proficiency

Published by THE RIVERSIDE PUBLISHING COMPANY

Student
I.D. No.
Grade 9
Sex F
Birth Date 1/70
Age 16 YRS 3 MOS
Order No. 056-007059-001

Class/Group MORRISON
Building AIR ACADEMY H S
System ACADEMY DIST TWENTY
Norms SPRING
Test date 4/86
Level/Form 15/G

Tests	SS	NS	NPR
Reading Comprehension	138	2	10
Mathematics	181	6	63
Written Expression	174	5	52
Using Sources of Information	149	3	18
Basic Composite	160	4	30
Social Studies	154	3	19
Science	155	3	21
Complete Composite	158	4	26



Minimum Competency of Typical 8th Grade Student
Reading NO
Math YES

Applied Proficiency Skills
Raw Score 38
Rank MED

SS: Standard Score; NS: National Stanine; NPR: National Percentile Rank

COPY FOR THE TEACHER OF

MACKI HAS GIVEN THE TESTS OF ACHIEVEMENT AND PROFICIENCY (FORM G, LEVEL 15), IN APRIL, 1986. MACKI IS IN THE NINTH GRADE AT AIR ACADEMY H S IN ACADEMY DIST TWENTY. THIS REPORT WILL HELP EXPLAIN THE DETAILS OF THE TEST RESULTS.

MACKI'S STANDING IN OVERALL ACHIEVEMENT AMONG NINTH GRADE STUDENTS NATIONALLY IS SHOWN BY HER COMPOSITE PERCENTILE RANK OF 26. THIS MEANS THAT MACKI SCORED BETTER THAN 26 PERCENT OF NINTH GRADE STUDENTS NATIONALLY AND THAT 74 PERCENT SCORED AS WELL OR BETTER. MACKI'S OVERALL ACHIEVEMENT APPEARS TO BE SOMEWHAT BELOW AVERAGE FOR HER GRADE.

SKILLS CAN ALSO BE COMPARED WITH EACH OTHER TO DETERMINE AN INDIVIDUAL'S STRENGTHS AND WEAKNESSES. IN MACKI'S CASE, THE HIGHEST SCORES ARE IN MATHEMATICS AND WRITTEN EXPRESSION. THESE ARE STRONG POINTS WHICH CAN BE USED TO IMPROVE OTHER SKILLS. MACKI'S LOWEST SCORE IS IN READING. THIS IS AN AREA IN WHICH MACKI APPEARS TO NEED THE MOST WORK.

A STUDENT'S COMMAND OF READING SKILLS IS RELATED TO SUCCESS IN MANY AREAS OF SCHOOL WORK, SINCE MOST SUBJECTS REQUIRE SOME READING. MACKI'S READING COMPREHENSION SCORE IS WELL BELOW AVERAGE WHEN COMPARED WITH OTHER NINTH GRADE STUDENTS NATIONALLY. MACKI'S READING SCORE IS BELOW AVERAGE WHEN COMPARED WITH HER OWN TEST PERFORMANCE IN OTHER AREAS.

MINIMUM COMPETENCY (DEFINED AS THE LEVEL OF ACHIEVEMENT IN READING AND MATHEMATICS REACHED BY THE TYPICAL EIGHTH-GRADE STUDENT) WAS ALSO ASSESSED. MACKI SCORED ABOVE THE MINIMUM COMPETENCY LEVEL IN MATHEMATICS. MACKI'S READING LEVEL WAS DETERMINED TO BE BELOW THE EIGHTH GRADE LEVEL, BUT IF SHE PROGRESSES AT THE AVERAGE RATE, SHE WILL REACH THE MINIMUM LEVEL BEFORE SHE COMPLETES GRADE 12.

APPLIED PROFICIENCY SKILLS WERE ASSESSED AS WELL. THESE ARE SKILLS THAT AN ADULT COMMONLY USES IN DAY-TO-DAY LIVING, SUCH AS READING AND UNDERSTANDING LABELS ON MEDICINE AND UNDERSTANDING BANK INTEREST TABLES. MACKI'S PROFICIENCY IN THESE SKILLS WAS AVERAGE FOR HER GRADE.

MACKI REPORTS THAT, INCLUDING THE CURRENT YEAR, SHE HAS TAKEN OVER 3 YEARS OF MATHEMATICS, OVER 3 YEARS OF SCIENCE, OVER 3 YEARS OF ENGLISH, AND OVER 3 YEARS OF SOCIAL STUDIES IN GRADE 9. AT THE PRESENT TIME, MACKI IS UNDECIDED ABOUT HER EDUCATIONAL PLANS AFTER HIGH SCHOOL. MACKI REPORTS THAT SHE NEEDS HELP IN READING SKILLS, AND THAT SCHOOL ASSISTANCE IN CHOOSING A CAREER WOULD HELP HER TO PLAN FOR THE FUTURE. MACKI INDICATES THAT SHE READ 11 TO 20 BOOKS IN THE PAST 12 MONTHS FOR HER OWN ENJOYMENT. MACKI REPORTS THAT SHE HAS USED A COMPUTER TO RUN EXISTING PROGRAMS AND SHE PLANS TO USE COMPUTERS FOR WORK AND PLAY. MACKI ESTIMATES THAT HER AVERAGE GRADE IN ALL COURSES DURING THE PAST THREE MONTHS IS A. SHE INDICATES THAT MATHEMATICS, SCIENCE, AND ENGLISH HAVE BEEN VERY IMPORTANT AND SOCIAL STUDIES HAS BEEN IMPORTANT TO HER.

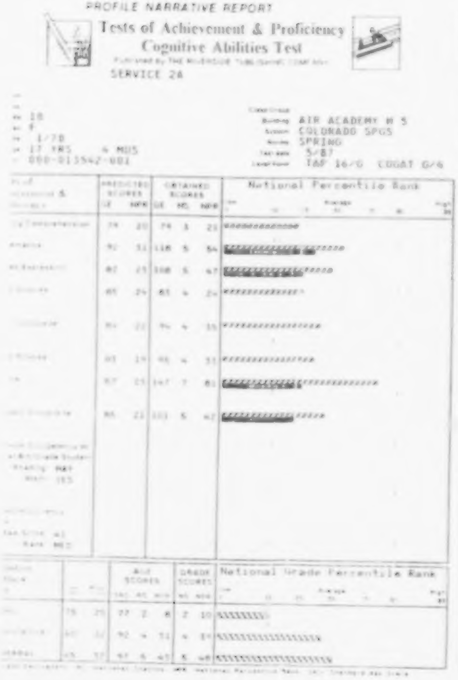
Student # 10

A. Name: Macki Age: 17 years

Info: Entering regular 11th grade; mainstream education [illegible]
Binaural hearing aids with FM in class
Academics: good to excellent; H.S. honor roll
Exchange student to Denmark 1987

		AUDIOGRAM				
		250	500	1K	2K	4K
Best Ear PTA: [illegible] dB	R.E.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	L.E.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

10-b



PROFILE NARRATIVE REPORT

Tests of Achievement & Proficiency
Cognitive Abilities Test
Published by THE RIVERSIDE PUBLISHING COMPANY
SERVICE 2A

10
F
1/70
17 YRS 4 MOS
000-013542-001

Class/Group
Building AIR ACADEMY H S
System COLORADO SPGS
Norms SPRING
Test date 5/87
Level/Form TAP 16/G COGAT G/4

[illegible]	Predicted Scores GE	Predicted Scores NPR	Obtained Scores GE	Obtained Scores NS	Obtained Scores NPR	National Percentile Rank
Reading Comprehension	78	20	78	3	23	
[illegible]	92	33	118	5	54	
Written Expression	87	25	108	5	47	
[illegible]	85	24	83	4	24	
[illegible]	86	22	96	4	35	
[illegible]	83	19	95	4	33	
[illegible]	87	23	147	7	81	
Composite	86	22	103	5	42	

[illegible]
[illegible] Grade Students
Reading: MAT
Math: [illegible]

Raw Score: 41
Rank: [illegible]

[illegible]			Age Scores SAS	Age Scores NS	Age Scores NPR	Grade Scores NS	Grade Scores NPR	National Grade Percentile Rank
Verbal	75	25	77	2	8	2	10	
Quantitative	[illegible]	32	92	4	31	4	39	
Nonverbal	45	37	97	6	45	6	48	

[illegible] NS: National Stanine, NPR: National Percentile Rank, SAS: Standard Age Score

COPY FOR THE PARENT(S) OR GUARDIAN(S) OF

YOUR DAUGHTER, MACKI, WAS GIVEN THE TESTS OF ACHIEVEMENT AND PROFICIENCY (FORM G, LEVEL 16), IN MAY, 1987. MACKI IS IN THE TENTH GRADE AT AIR ACADEMY H S IN COLORADO SPGS. THIS REPORT WILL HELP EXPLAIN THE DETAILS OF THE TEST RESULTS.

MACKI'S STANDING IN OVERALL ACHIEVEMENT AMONG TENTH GRADE STUDENTS NATIONALLY IS SHOWN BY HER COMPOSITE PERCENTILE RANK OF 42. THIS MEANS THAT MACKI SCORED BETTER THAN 42 PERCENT OF TENTH GRADE STUDENTS NATIONALLY AND THAT 58 PERCENT SCORED AS WELL OR BETTER. MACKI'S OVERALL ACHIEVEMENT APPEARS TO BE ABOUT AVERAGE FOR HER GRADE.

SKILLS CAN ALSO BE COMPARED WITH EACH OTHER TO DETERMINE AN INDIVIDUAL'S STRENGTHS AND WEAKNESSES. IN MACKI'S CASE, THE HIGHEST SCORE IS IN SCIENCE. THIS IS A STRONG POINT WHICH CAN BE USED TO IMPROVE OTHER SKILLS. MACKI'S LOWEST SCORE IS IN READING. THIS IS AN AREA IN WHICH MACKI APPEARS TO NEED THE MOST WORK.

A STUDENT'S COMMAND OF READING SKILLS IS RELATED TO SUCCESS IN MANY AREAS OF SCHOOL WORK, SINCE MOST SUBJECTS REQUIRE SOME READING. MACKI'S READING COMPREHENSION SCORE IS BELOW AVERAGE WHEN COMPARED WITH OTHER TENTH GRADE STUDENTS NATIONALLY. MACKI'S READING SCORE IS BELOW AVERAGE WHEN COMPARED WITH HER OWN TEST PERFORMANCE IN OTHER AREAS.

DIFFERENT STUDENTS BRING DIFFERENT PATTERNS AND LEVELS OF ABILITIES TO LEARNING TASKS. TO HELP FIND OUT ABOUT MACKI'S ABILITIES, SHE WAS RECENTLY GIVEN THE COGNITIVE ABILITIES TEST. THE TEST COVERS THREE DIFFERENT KINDS OF ABILITIES: VERBAL, QUANTITATIVE, AND NONVERBAL ABILITIES. MOST SCHOOL WORK HAS TO DO WITH ONE OR MORE OF THESE.

MACKI WAS TESTED IN ALL THREE AREAS: VERBAL, QUANTITATIVE, AND NONVERBAL ABILITIES. MACKI'S NATIONAL PERCENTILE RANK ON VERBAL ABILITY IS 10. THIS MEANS THAT COMPARED WITH OTHER TENTH GRADE STUDENTS NATIONALLY, MACKI DID BETTER THAN 10 PERCENT. MACKI, THEREFORE, APPEARS TO BE WELL BELOW AVERAGE IN VERBAL ABILITY. MACKI'S NATIONAL PERCENTILE RANK IS 39 IN QUANTITATIVE ABILITY AND 48 IN NONVERBAL ABILITY. MACKI SEEMS TO BE SOMEWHAT BELOW AVERAGE IN QUANTITATIVE ABILITY AND ABOUT AVERAGE IN NONVERBAL ABILITY.

HOW ARE MACKI'S BASIC SKILLS SCORES COMPARED TO HER ABILITIES SCORES? USING THE .68 LEVEL OF CONFIDENCE FOR OUR PREDICTIONS, MACKI'S ACTUAL ACHIEVEMENT IS HIGHER THAN EXPECTED IN THREE SKILLS. THESE ARE MATHEMATICS, WRITTEN EXPRESSION, AND SCIENCE. MACKI IS DOING VERY WELL IN THESE SKILLS.

IF YOU WOULD LIKE MORE INFORMATION ABOUT MACKI'S PERFORMANCE IN SCHOOL, PLEASE CONTACT HER SCHOOL.

158

Educational Audiology Programs

Marian M. Ernst, M.A., Director
1077 South Gilpin Street
Denver, Colorado 80209
(303) 777-0740

FACTORS CRITICAL TO SUCCESS IN MAINSTREAMED EDUCATION OF THE HEARING-IMPAIRED

1) Early identification of hearing loss, fitting with appropriate amplification and instituting a therapy program which teaches parents how to develop an acoustic environment appropriate for learning to hear.

2) Provide parents with the support (especially financial assistance) needed to work effectively with a hearing-impaired child at the time most appropriate for learning.

3) Provide adequate support to schools and private agencies so they can effectively teach hearing-impaired children to function independently and successfully in mainstreamed education.

4) Raise expectations about what the hearing-impaired can accomplish and contribute to society.

PROBLEMS REQUIRING RESOLUTION

1) Inequity of federal funding to the hearing-impaired. Young families of profoundly hearing-impaired children face major financial burdens--tests, medical and therapuetic services, hearing aids and batteries, FM systems, private school tuition. This is in marked contrast to the $25,000.00 per year costs of a student at Gallaudet University (FEDERAL REGISTER, V.52, #167, pg. 32734), 3/4 of which is paid by the federal government. Suggestions include a voucher system which supports the child rather than the program, encouraging private and public health insurance to bear more of the costs, changing the IRS major medical deduction to offer more support for young families of handicapped children, and/or providing for additional IRS deduction(s) for a severely handicapped child. I believe that a fairer, more equitable approach to sharing federal resources is possible.

2) Work to decrease fear among members of the deaf community about the effects of technological developments which bring sound to the hearing-impaired. Young profoundly hearing-impaired children can do well with today's hearing aids and other modifications of their acoustical environment. For a very low-incidence handicap, this must pose great concern for this group as they see the membership within the deaf community drastically decrease.

3) Repudiate Recommendation #8 of the Commission on Education of the Deaf: "The Department of Education should publish in the FEDERAL REGISTER a policy interpretation that removal from the regular classroom does not require compelling evidence." (TOWARD EQUALITY, EDUCATION OF THE DEAF, A report to the President and the Congress of the United States, pg. xvii. The Commission on Education of the Deaf. February, 1988). This statement is very threatening to parents of severely handicapped children, especially when it appears within the context of a government publication.

Marian M. Ernst

Marian M. Ernst, CCC-S/L/A

CONSULTATION AND REMEDIATION OF THE EDUCATIONAL CONSEQUENCES OF HEARING IMPAIRMENT

The Vermont Association For Children and Adults With Learning Disabilities, Inc. appreciates the opportunity to share its observations and concerns regarding the Least Restrictive Enviornment component of the Education of the Handicapped Act (EHA) with the House Subcommittee on Select Education. Although it is tempting to register with you the frustrating accounts of parents and teachers who seek to help a child and to provide that help within the context of EHA's interpretation of the LRE concept, we have chosen instead to give the committee an overview of this nearly demolished EHA expectation as we experience it in Vermont.

This and the elmination of other key components of EHA occurs under what must be the approving eye of the US Department of Education/OSEP. We can think of no other explanation since OSEP continuously approves the Vermont State Plan for Special Education-Part B. OSEP's latest monitoring occured in April, 1987. Once again, through open approval, or private waiver, OSEP has allowed Vermont, as it has other states, to redefine the populations the Congress intended to be recognized under EHA/RHA. The redefinition freely permits Vermont's identification process to include the non-handicapped, those Vermont calls "educationally handicapped", the "slow learner", the poorly taught, the generic underachiever. These are the populations that the Congress sought to prevent from recognition as the legislative history so clearly records.

Children, merely academically included, are reported under Child Count to OSEP and to Congress under the classification of specific learning disabilities. Few have any processing disorder identified, for under Vermont rule, no processing disorder is desired in identification,nor required, and is refusesd at the local level. Parents are forced to a hearing to gain acceptance of the clinically diagnosed impairments of their children so as to develop an IEP that addresses the identified unique needs of their child. Since Vermont rule also requires the child to submit to the "fail first" policy prior to referral, the LRE for these children is most usually determined at the hearing to be a residential placement so that a seriously damaged, if not battered sense of self worth can hopefully be repaired.

We include a copy of a recent Federal Court Order to the Vermont State Board of Education that addresses recognition of processing disorders. In this particular case, after three years of two level hearings (each won by the parent) and bogged down in the schedule of the Court, the case was divided into two parts. (The student had been in limbo during this process.) The Court, you will note, retained the issue of the identification of processing disorders prior to classification. Obviously, the Court seeks an explanation from the State Board of Education for its arbitrary, exclusionary rule that we claim, fails the Federal test.

It is reported that Vermont leads the nation in litigation under PL 94-142. It is also reported that children with specific learning disabilities account for a large share of the hearings. A Vermont Department of Education attorney has stated that most cases concern SLD issues and that parents prevail or win in at least three out of every four cases.

ISSUE: DENIAL OF PARENT PARTICIPATION IN LRE DECISIONS

In Vermont's OSEP approved State Plan for Special Education local school district's (LEA's) are permitted to exclude parents in IEP/LRE decisions. Under Vermont rule, Vermont's evaluation team (BST) has full authority to not only determine initial status of identification and eligibility , but is granted continuing authority to determine IEP eligibility after an IEP is in place. Under EHA it is the IEP team, which statutorily includes the parent, that makes IEP decisions, including LRE placement determinations. Under EHA a child exits from an IEP status when it is demonstrated and agreed to by all IEP team members, that the child has mastered the goals that were set. An initial evaluation team (BST), which does not include the parent, does not make change in placement decisions ... except in Vermont... A letter from an attorney from the Vermont Department of Education has upheld this rule and practice allowing a BST to usurp this EHA IEP safeguard.

ISSUE: VERMONT DEPARTMENT OF EDUCATION TO OVER RIDE LOCAL IEP/LRE DECISIONS

This winter the Vermont Department of Education and the State Board of Education proposed legislation, now before the Legislature, which is not acknowledged in the State Plan for Special Education. The legislation allows the Department of Education to establish an IEP Overview Committee of assigned personnel, or of persons outside the Department, to examine all IEP/LRE decisions involving intensified services, especially residential placements. If in the opinion of committee members lesser services are needed (by their undefined standaards) than the IEP/LRE decisions made by the legally constituted IEP team of which parents are members, will be reversed if the local school seeks financial help from the Department in meeting the IEP/LRE identified needs. The Department of Education has stated that it looks upon the function of this committee as one of "cost effectiveness". These procedures may in fact be promoted under OSEP'S Monitoring Mannual #10, which as the committee knows, has been substituted by OSEP for monitoring procedures regulated within EAHCA. Our Association does not support this switch which we believe set the stage for the emasculation of EHA in 1982

The above three issues represent the more glaring problems Vermont parents and teachers face in our State. One other was recently corrected through an Order by OSEP resulting in the passage of an Emergency Rule by the SEA, December, 1988. It was that, or loose PL 94-142 funds. The Emergency Rule covers the the Complaint system, which until now forced parents to go to a due process hearing on issues never intended by Congress for this action. The Department of Education used the Complaint process in this manner as a weapon against parents. In other instances the Department failed to resolve a complaint and merely left it hanging. It will now be possible for parents to gain access to Content of Notice, 34 CFR 300.505, for instance, under the Emergency Rule imposed by OSEP. That is no small gain, for Content of Notice represents the very heart, standing next to FAPE, of EHA. We like to think that the paper trail that has been maintained by our Association since 1978 was helpful in restoring this EHA safeguard to parents throughout Vermont and applaud the action of OSEP.

Our Association also has suggestions we would like to offer the Committee regarding EHA and possible avenues for both streamlining the EHA expectations and for closing the loopholes which currently promote such national abuse of this important statute. If the Committee so entertains we would be happy to submit our suggestions at your pleasure.

We appreciate this opportunity for addressing the LRE concerns as we experience them here in Vermont.

Thank You.

Frances R.Rice, Advocate

Vermont Association For Learning Disabilities

9 Heaton Street

Montpelier, Vermont 05602

Telephone: (802) 223-5480 (o)

(802) 223-0909 (h)

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Tye Olson, Tatha Olson,
and Bruce Olson,
Plaintiffs

v.

Civil Action No. 86-210

Hartford School District, et al.,
Defendants

STIPULATION OF SETTLEMENT AND ORDER

The plaintiffs, Tye Olson, Tatha Olson, and Bruce Olson and the "state defendants", limited as hereinafter provided, through their attorneys, hereby stipulate and agree to settle this action in accordance with the following terms and conditions:

1. The plaintiffs hereby dismiss all previously named state officials as parties defendant from this case. The plaintiffs and defendants agree that Richard P. Mills, Commissioner of the Department of Education, as the Chief Executive Officer and Secretary to the State Board of Education, is a proper party defendant against whom the plaintiffs may obtain compliance with the terms of this settlement agreement and who will be responsible for the same. Commissioner Mills succeeded former Commissioner Stephen Kaagan as Commissioner in March, 1988 and thus is the proper party defendant in his official capacity who shall be so substituted.

2. The plaintiffs hereby dismiss with prejudice all claims brought by them against the state defendants. The plaintiffs hereby release the state defendants from all liability associated with this action and/or the education of Tye Olson to date, and the state defendants release the plaintiffs from any and all liability associated with this action and/or the education of Tye Olson to date.

3. Commissioner Mills, as chief executive officer and secretary to the Vermont State Board of Education, pursuant to Section 14 of Act 235 of the adjourned session of the 1987 Vermont General Assembly, agrees that in the report of the State Board to the governor and the general assembly to be submitted on or before January 15, 1990, the following questions shall be specifically addressed:

(a) whether, how, and to what degree the State of Vermont in its statutes, regulations or otherwise, requires, for the determination of a specific learning disability, the specific identification of "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Such disorders include conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia": the definition of a specific learning disability contained at 20 U.S.C. Section 1401(15); and

(b) does the State Board believe such a specific identification is required by federal law and if not, why not; and

(c) If the State of Vermont does not require in its regulations the specific identification of such a "disorder" or "condition" as enumerated above, are its regulations in this regard consistent with the requirements of 20 U.S.C. Sections 1400 *et seq.*?

4. In addition to addressing the above questions, the Commissioner shall further cause to be addressed in the report recommendations concerning requirements for eligibility for special education as a child a with specific learning disability, and whether a specific "condition" or "disorder" should be required to be identified as part of that eligibility determination. If the recommendation contained in the report is that such a specific identification of a condition or disorder is not required in Vermont law, the Commissioner shall state in a letter to plaintiffs, mailed to plaintiffs' counsel, his detailed underlying reasons for reaching this conclusion.

5. The parties agree to assume their own attorney's fees.

DATED at Burlington, Vermont this ___ day of September, 1988.

Louis W. Helmuth, Esq.
Van Buiten & Helmuth
212 Battery Street
Burlington, Vermont 05401
Attorneys for Plaintiffs

VAN BUITEN
&
HELMUTH
212 BATTERY STREET
BURLINGTON VERMONT
05401
802-863-3000

DATED at Montpelier, Vermont this ___ day of September, 1988.

William J. Reedy, Esq.
Specially Designated
Assistant Attorney Genera
Vermont Department of Educatic
120 State Street
Montpelier, Vermont 05602
Attorney for State Defendants

ORDER

It is hereby ordered that:

1. The stipulations of settlement of the parties are approved.

2. The parties shall comply with the terms of said stipulation of settlement.

3. This action is hereby dismissed with prejudice.

DATED at Bennington, Vermont this ____ day of ______________, 1988.

Honorable James Holden
Senior United States District
Court Judge

[illegible]

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&
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